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Fifty-seventh session

Report of the Committee on the Elimination of Discrimination against Women*

Twenty-seventh session

* The present document is the report of the Committee on the Elimination of Discrimination against Women on the work of its twenty-seventh session. The final report will be issued as *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38) and will include the report of the Committee on its exceptional session and twenty-sixth session (A/57/38 (Parts I and III).

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Part two
Report of the Committee on the Elimination of Discrimination against Women on its twenty-seventh session

Letter of transmittal

15 September 2002

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its twenty-seventh session at United Nations Headquarters from 3 to 21 June 2002. It adopted its report on the session at the 567th meeting, on 21 June 2002. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-seventh session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Charlotte **Abaka**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 27/I
Reporting guidelines of the Committee

The Committee decided to adopt revised guidelines for the reports of States parties (see annex).

Decision 27/II

The Committee decided to convene a meeting with States that are not party to the Convention during its twenty-eighth session, in January 2003.

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. As at 21 June 2002, the closing date of the twenty-seventh session of the Committee on the Elimination of Discrimination against Women, there were 170 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979, and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

B. Opening of the session

2. The Committee held its twenty-seventh session at United Nations Headquarters from 3 to 21 June 2002. The Committee held 18 plenary meetings (550th to 567th) and held 19 meetings to discuss agenda items 5 and 6.

3. The session was opened by the Chairperson of the Committee, Charlotte Abaka (Ghana), who had been elected at the twenty-fourth session of the Committee, in January 2001.

4. In addressing the twenty-seventh session of the Committee, the representative of the Secretary-General, Carolyn Hannan, Director of the Division for the Advancement of Women, welcomed all members of the Committee to United Nations Headquarters. She noted the seminar held from 22 to 24 April at the Raoul Wallenberg Institute for Human Rights and Humanitarian Law in Lund, Sweden, which had been attended by most members, to consider the working methods of the Committee. A number of decisions adopted at the seminar were contained in the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/2002/II/4).

5. Ms. Hannan reported on several events that had taken place since the twenty-sixth session of the Committee and on activities carried out by the Division and the Office of the Special Adviser on Gender Issues and Advancement of Women. The forty-sixth session of the Commission on the Status of Women had been held from 4 to 15 March and on 25 March 2002.

6. Several resolutions and decisions adopted by the Commission on Human Rights had made specific reference to the work of the Committee and the work of all the human rights treaty bodies. In particular in resolution 2002/30 on human rights and extreme poverty, the Commission had called upon the Committee to take into account extreme poverty and human rights when considering the reports of the States parties; in resolution 2002/49 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, it had encouraged the Committee to integrate the content of this resolution into its work; and in resolution 2002/52 on the elimination of violence against women, the Commission had reminded Governments that their obligation under the Convention must be implemented fully with regard to violence against women, taking into

account the Committee's general recommendation 19. The representative also highlighted resolution 2002/31 on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in which the Commission established a special rapporteur on the right to health and called upon him or her to take account of the Committee's general recommendation 24 on article 12.

7. The representative of the Secretary-General also stated that, during the recent session of the Commission on Human Rights, she had had the opportunity to participate, along with the Committee's Chairperson, in a panel discussion organized by the Office of the United Nations High Commissioner for Human Rights and the Non-Governmental Organization Committee on the Status of Women on combating racism and promoting women's rights.

8. Ms. Hannan indicated that the World Assembly on Ageing had taken place in Madrid from 8 to 12 April 2002, and had been attended on behalf of the Committee by Hanna Beate Schöpp-Schilling, who presented the contribution of the Committee in her address to the Main Committee of the Assembly. The outcome documents adopted by the Assembly drew attention to particular needs of older women, which result, inter alia, from the fact that their life patterns are different from those of men.

9. The special session of the General Assembly on Children took place from 8 to 10 May 2002, and Regina Tavares da Silva participated in the special session on the Committee's behalf, presenting its contribution to the Ad Hoc Committee of the Whole. Ms. Tavares da Silva participated in a panel discussion entitled "Women and children: from international law to national realities", organized by the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the Office of Legal Affairs and the United Nations Children's Fund (UNICEF).

10. Ms. Hannan indicated that the Office of the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women continued to take every opportunity to encourage ratification of the Convention and the Optional Protocol, as well as acceptance of the amendment to article 20, paragraph 1, on the Committee's meeting time. Both offices also seek to encourage regular reporting and implementation of the substantive article of the Convention in States parties. She indicated that she had participated with the Committee's Chairperson and the Chief of the Women's Rights Section, Jane Connors, in a seminar held in the Swedish Parliament in Stockholm on follow-up of the Committee's concluding comments on the report of Sweden. The Chief of the Women's Rights Section had provided training for government officials in Bosnia and Herzegovina on the Convention and one staff member from the Women's Rights Unit had participated in a meeting organized by the United Nations Development Programme (UNDP) in Kuala Lumpur on the formulation of the next phase of the UNDP programme on promoting gender equality in the Asia-Pacific region. Sjiamsiah Achmad, a member of the Committee, had also participated in the meeting.

C. Attendance

11. Twenty-three members of the Committee attended the twenty-seventh session. Emna Aouij attended from 12 to 21 June, Naela Gabr from 17 to 21 June and Savitri Goonesekere from 10 to 21 June. Yolanda Ferrer Gomez attended from 17 to 21 June because of the late issuance of her entry visa.

D. Adoption of the agenda and organization of work

12. The Committee considered the provisional agenda and organization of work (CEDAW/C/2002/II/1) at its 550th meeting. The agenda, as adopted, was as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the twenty-sixth and twenty-seventh sessions of the Committee.
4. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the exceptional session and for the twenty-eighth session.
8. Adoption of the report of the Committee on its twenty-seventh session.

E. Report of the pre-session working group

13. A pre-session working group was convened from 4 to 8 February 2002 to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at its twenty-seventh session.

14. The pre-session working group met together with the pre-session working group for the exceptional session which had been authorized by the General Assembly in its resolution 56/229 of 24 December 2001. The following 10 members of the Committee participated: Charlotte Abaka (Africa), Ivanka Corti (Europe), Yolanda Ferrer Gomez (Latin America and the Caribbean), Rosalyn Hazelle (Latin America and the Caribbean), Rosario Manalo (Asia), Göran Melander (Europe), Mavivi Myakayaka-Manzini (Africa), Frances Livingstone Raday (Europe), Zelmira Regazzoli (Latin America and the Caribbean) and Heisoo Shin (Asia).

15. The working group prepared lists of issues and questions relating to the reports of five States parties, namely, Belgium, Denmark, Tunisia, Ukraine and Zambia.

16. At its 550th meeting, on 3 June, the Chairperson of the pre-session working group, Mr. Melander, introduced the report of the group.

Chapter III

Report of the Chairperson on the activities undertaken between the twenty-sixth and twenty-seventh sessions of the Committee

17. Ms. Abaka, the Chairperson of the Committee, reported on her attendance at the forty-sixth session of the Commission on the Status of Women, where she made a statement and participated in panel discussions. She also participated in a meeting organized by the Organization of African Unity with representatives of States parties from Africa, during which she discussed the Convention, its Optional Protocol and the reporting obligations of States parties. She also drew attention to the availability of technical assistance from the Division for the Advancement of Women at the request of States parties. The Chairperson also participated in the International Women's Day celebration on 8 March, which was dedicated to Afghan women, during which the Committee's message of solidarity with the women of Afghanistan, adopted at its twenty-sixth session, was read.

18. Ms. Abaka informed the Committee of her participation in the fifty-eighth session of the Commission on Human Rights and side events to that session. She informed the Committee that efforts should be made to make the work of the Committee better known among the Geneva-based human rights mechanisms and non-governmental organizations, through, inter alia, Internet technology.

19. The Chairperson informed the Committee of her activities following the seminar at the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, which had been attended by most members. Immediately following that seminar, she had travelled with the Director of the Division for the Advancement of Women and the Chief of the Women's Rights Section of the Division to Stockholm in order to participate in a half-day seminar for non-governmental organizations on the implementation of the concluding comments of the Committee on the report of Sweden in that State party. She indicated that the seminar had been well attended and that there was significant interest in the Convention, its Optional Protocol and the work of the Committee in Sweden. The Chairperson also had the opportunity to meet with the Speaker of the Swedish Parliament, and several government Ministers who were extremely interested in the Committee's work. Ms. Abaka noted that her activities in Sweden made it clear that the Committee should consider developing a mechanism for following up its concluding comments on reports of States parties. She indicated that that would be a topic for discussion at the first Inter-Committee meeting, which would be held at the Office of the United Nations High Commissioner for Human Rights immediately following the twenty-seventh session of the Committee; she and Ms. Corti and Ms. Gonzalez would attend on the Committee's behalf.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

20. At its twenty-seventh session, the Committee considered the reports of seven States parties under article 18 of the Convention: the combined initial and second report of one State party; combined initial, second, third and fourth reports of one State party; the combined third and fourth periodic reports of three States parties; the combined fourth and fifth periodic reports of one State party; and the fourth and fifth periodic reports of one State party.

21. The Committee prepared concluding comments on each of the States parties considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are provided below.

B. Consideration of reports of States parties

1. Combined initial and second periodic report

Suriname

22. The Committee considered the combined initial and second periodic report of Suriname (CEDAW/C/SUR/1-2) at its 557th, 558th, and 566th meetings on 7 and 13 June 2002 (CEDAW/C/SR.557, 558 and 566).

Introduction by the State party

23. In introducing the report, the representative of Suriname stated that the Government took gender development and gender policy very seriously. In 1983, an official governmental Women's Bureau had been established, and in 1998 a National Gender Bureau had been incorporated in the Ministry of Home Affairs. The Government had participated in international women's conferences, the recommendations of which provided valuable inputs for its gender policy. A special passage regarding gender had been included in its Declaration 2000-2005 and, taking into consideration the Beijing Platform for Action and the Caribbean Community Post-Beijing Plan of Action, an Integral Gender Action Plan had been prepared for the period 2000-2005. A gender management system had been set up in order to manage and coordinate gender actions from within different ministries and to ensure gender mainstreaming. In 2001, the Ministry of Home Affairs had established the Commission on Gender Legislation with the task of advising and elaborating legislation in conformity with the Convention and with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

24. In order to contextualize the current gender policy, the representative highlighted the socio-economic and political situation of the country. She noted, in particular, the serious negative impact of the current economic crisis on all layers of the community and on the lives of women.

25. The principle of equality of women and men was embodied in the Constitution, which prohibited discrimination, including on the basis of sex. If a woman was discriminated against on the basis of sex, she could resort to the common court.

26. In Suriname, women and men had equal access to education as guaranteed by the Constitution. Education at all levels was almost completely State-funded and was in principle free of charge for everyone, although that was likely to change in view of the current economic crisis. The representative pointed out that there were no available data on dropouts, but girls tended to drop out of school as a result of pregnancy. In order to encourage teenage mothers to complete their schooling, in 1989 the Government had initiated a student-mothers' project which, in 1992, had passed into the hands of a non-governmental organization. The representative informed the Committee that Suriname had always had a reasonably well developed public health system. However, since the early 1990s, owing to increasing poverty, there had been a reduction in access to medical facilities. Up to 2002 about 6,000 people had been infected with the HIV/AIDS virus, and more women than men were infected among the younger age groups. In order to fight the disease, the Government had undertaken several activities in the field of policy, research and education.

27. The representative pointed out that the Constitution guaranteed women the right to vote and stand for election and that in the Surinamese electoral system, women had the possibility of participating in the determination and execution of government policy. The participation of women in politics at national level had increased from 10 per cent in 1991 to 19.6 per cent in 2000. The participation of women in the current Government was 18 per cent and 3 ambassadors out of 15 were women. The low participation of women in decision-making positions was ascribed to psychological as well as cultural factors. There was a need for qualitative studies on the conditions underlying the limited participation of women in political life. In order to improve the situation, the Government had undertaken various activities, including the production of booklets to foster positive images of women.

28. The representative informed the Committee that 93 per cent of police reports in 1993 concerned mistreatment, particularly of women abused by their husband or partner. The Ministries of Justice and Police, Home Affairs and Social Affairs and Housing had played a significant role in combating violence against women. For example, the Ministry of Justice had participated in all commissions directed at legislative change, while the Ministry of Home Affairs, through its National Gender Bureau, played a facilitating role in activities aimed at care, counselling and training within the framework of the elimination of violence against women. The representative also informed the Committee about the training received by members of Parliament in 2000 as a background to the elaboration of legislation regarding violence against women and women's rights. Several non-governmental organizations were also active in community programmes to reduce the incidence of violence against women.

29. In concluding, the representative noted that the national gender policy covered all areas included in the Convention. She also highlighted the fruitful collaboration between the Government and civil society in the preparation of the report. Non-governmental organizations had played an important role in the achievement of

gender equality in the country and had been very active in the formulation and implementation of the current national gender policy.

Concluding comments of the Committee

Introduction

30. The Committee commends the State party for ratifying the Convention without reservations in 1993 and for its combined initial and second report, which, although delayed, complied with the Committee's guidelines for the preparation of initial reports. The Committee noted the limited amount of updated data in several areas.

31. The Committee commends the State party on its high-level delegation, headed by the Minister of Home Affairs, and expresses appreciation for the oral presentation, which provided additional information on the current situation of implementation of the Convention in Suriname and the responses to some of the oral questions posed by the Committee. The Committee welcomes the Minister's announcement that Suriname's next periodic report would be submitted to the Committee in February 2003, and the fact that the State party would include the outstanding answers to the oral questions in that report.

32. The Committee welcomes the fact that the State party has the intention to undertake action to ratify the Optional Protocol to the Convention.

Positive aspects

33. The Committee commends the State party for drafting its report in collaboration with civil society, particularly non-governmental organizations. It notes with satisfaction that the State party recognizes the important role of the non-governmental organizations working on women's rights and gender equality.

34. The Committee notes with appreciation the implementation of the Gender Management System to coordinate the application of the Integral Gender Action Plan and the gender initiatives within various ministries. It also welcomes the adoption and development in Suriname of the Integral Gender Action Plan (2000-2005), which takes into account the Beijing Platform for Action, the Caribbean Community Post-Beijing Plan of Action and Suriname's national priorities.

35. The Committee commends the State party on the appointment in 2001 of a Commission on Gender Legislation tasked with producing gender-sensitive legislation and reviewing draft laws related to the international conventions on gender equality and to present recommendations on new legislation.

36. The Committee commends the State party for its support of a human-rights-based approach to development in which human rights education is key. It commends the State party on the creation of the Human Rights Education Project aimed at raising awareness about the importance of human rights instruments and the necessity of implementing them. The Committee hopes that the dissemination of information about the Convention is part of this project and wishes to be informed of the impact of the project in the next periodic report.

37. The Committee commends the State party for its sponsorship and promotion of the issue of older women at the international level.

38. The Committee commends the State party on the action taken and measures introduced to combat, punish and eradicate violence against women, in particular domestic violence, and looks forward to a further strengthening of activities in this area.

Principal areas of concern and recommendations

39. The Committee is concerned that the Convention has not been incorporated into domestic legislation and that no domestic remedies have been introduced into domestic legislation to enforce the Constitutional provision against discrimination based on sex.

40. **The Committee recommends that the State party take steps to incorporate the Convention into domestic law and introduce procedures that will allow women to effectively enforce the prohibition of discrimination based on sex. The Committee also recommends that the State party introduce programmes to create awareness about the Convention, the Constitution and such remedies. The Committee requests that the State party report on progress made in this regard in its next periodic report, including information on whether the Convention and the Constitution have been invoked by women before domestic courts.**

41. The Committee notes with concern that a number of provisions exist in domestic law, including the Personnel Act, the Identity Act, the Nationality and Residence Act and the Elections Act, which allow for discrimination against women. The Committee is also concerned at the slowness of legal reform with respect to discrimination against women. In particular, it notes that an amendment to the Penal Code criminalizing gender-based discrimination, presented to the State Council in 1993, is still pending.

42. **The Committee recommends that the State party review existing laws and amend discriminatory provisions to bring them into line with the Convention and the Constitution and to ensure compatibility between all national legislation and international conventions.**

43. The Committee is concerned that the apparent lack of coordination among different mechanisms related to gender and a failure to allocate clear areas of responsibility may create obstacles to the effective implementation of the Convention.

44. **The Committee recommends that the State party clearly define the mandates and the responsibilities of the different mechanisms related to gender and the interaction among them.**

45. The Committee is concerned that the National Gender Bureau in the Ministry of Home Affairs, which is responsible for the formulation and execution of government policy on gender, does not have adequate human, financial and material resources for its work. The Committee is also concerned that the National Institute for the Promotion and Protection of Fundamental Human Rights has not functioned since 1995 and this may negatively affect the promotion and protection of women's human rights.

46. **The Committee recommends that the State party provide the National Gender Bureau with adequate human, financial and material resources to give**

its visibility and effectiveness and to ensure effective implementation of governmental policies and programmes related to gender equality. It also encourages gender mainstreaming in all ministries. The Committee also recommends that the State party take measures to revive the National Institute for the Promotion and Protection of Fundamental Human Rights and ensure that this institute incorporates a gender perspective in its work.

47. The Committee is concerned about the deep-rooted stereotypical attitudes that undermine the rights of women and girls and the State party's apparent acceptance of the limited participation of women in public and political life as a result of these attitudes.

48. **The Committee calls upon the State party to take urgent measures aimed at changing stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the recognition that women can have various roles in society, not only the important role of mother and wife, exclusively responsible for children and the family, but also as an individual person and actor in her community and in the society in general.**

49. The Committee is concerned about the low penalty for those who exploit prostitutes and that those who exploit prostitutes are not prosecuted. The Committee notes with regret that trafficking in women and girls has not been legally defined and has not been given the attention it deserves. The Committee is particularly concerned that the problem is viewed as a crime against public decency, rather than as a human rights issue, and that it is not being addressed owing to the lack of data. The Committee expresses concern that the maximum penalty of five years' imprisonment for trafficking in human beings may be too lenient given the gravity of the human rights violations involved.

50. **The Committee recommends the development of programmes of action for women forced into prostitution by poverty and the introduction of policies to ensure the prosecution of, and stronger penalties for, those who exploit prostitutes and of adults involved in the exploitation of child prostitutes. The Committee also recommends the formulation of a comprehensive strategy to combat the trafficking of women, which should include the prosecution and appropriate punishment of offenders, witness protection and the rehabilitation of women and girls who have been victims of trafficking. The Committee recommends that the State party consider increasing the penalty for trafficking in women. The Committee requests the State party to provide in its next report comprehensive information on prostitution and on the trafficking of women and girls to allow the Committee to better understand the extent of the problems in Suriname.**

51. Despite the active efforts of various government ministries to combat violence and protect women and children from all forms of mental and physical abuse and the work of non-governmental organizations and community groups on the issue, the Committee expresses concern that violence against women is a serious reality in Suriname. The Committee is encouraged, however, by the heightened awareness among women indicated by the high percentage of women who reported incidents to the police. The Committee notes with concern that, according to a 1998 study, 50

per cent of women indicated that there was sexual harassment in the workplace and one third of the women experienced sexual harassment at work.

52. **The Committee urges the State party to place a high priority on measures to address violence against women in the family and in society in accordance with the Committee's general recommendation 19 and the Declaration on the Elimination of Violence against Women.[1] The Committee hopes that information on the report of the Government Commission on Public Decency Legislation enacted by Decree No. 8212 of 9 December 1996 will be included in the third periodic report. The Committee also requests the State party to provide information in its next periodic report on whether as indicated in the report, it has established a national commission to make an inventory of legislation on violence against women and to examine the compatibility of such legislation with treaties and report on any progress in this regard.**

53. The Committee is concerned that marital rape is not an offence and that there are inadequate data on this form of domestic violence.

54. **The Committee urges the State party to criminalize marital rape, prosecute offenders and provide data on this form of domestic violence in its next periodic report.**

55. Noting the importance of ensuring the broadest possible participation of women to achieve adequate representation at all levels in Suriname, the Committee is concerned about women's underrepresentation in decision-making bodies in political and economic structures. The Committee notes that, although there are numerous women participating in training programmes, with respect to diplomatic careers the participation of women at the higher levels of the diplomatic service is low.

56. **The Committee recommends the adoption of strategies to increase the number of women in decision-making bodies at all levels and in all areas. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention to increase the number of women in decision-making levels in government, governmental bodies, public administration and diplomatic missions. It also recommends that the State party strengthen its efforts to organize special training programmes for women and to conduct, on a regular basis, awareness-raising campaigns in this regard.**

57. The Committee is concerned that, in some educational institutions, teenage mothers are not always readmitted to junior secondary schools because of the perception that "the young mothers would have a negative influence on other girls", while teenage fathers are not prevented from attending schools.

58. **The Committee requests the State party to include age-appropriate sex education in school curricula and to conduct awareness campaigns so as to prevent teenage pregnancies. The Committee requests the State party to include information on the impact of programmes to prevent teenage pregnancy in its next periodic report. The Committee also urges the State party to adopt the necessary legal or administrative measures to prohibit schools from barring young mothers and pregnant teenagers.**

59. The Committee expresses concern at discriminatory practices and certain legal labour provisions that could lead to discrimination against women workers with regard to reproductive health and maternity and notes that, in the civil service, women are discriminated against when entering into marriage or becoming pregnant. It notes that regulations on flexible working hours are lacking and that the employer has the right to decrease the number of vacation days during the year in which maternity leave is enjoyed.

60. **The Committee recommends that the State party remove discriminatory labour legislation in accordance with article 11 of the Convention and ensure that women workers have working conditions and social security benefits equal to those enjoyed by men, as well as protection for maternity without discrimination under article 4, paragraph 2 of the Convention.**

61. The Committee notes with concern that rates of HIV/AIDS infection have increased and the majority of those who are HIV-positive are young people between the ages of 15 and 29, with girls tending to become infected at a younger age than boys.

62. **The Committee urges the State party to address the gender aspects of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sex practices. It encourages the State party to strengthen its efforts to raise awareness and educate women and girls on ways of self-protection. The Committee urges the State party to ensure that women and girls have equal rights and access to health care and social services.**

63. The Committee notes with concern that there are provisions in the penal code regarding family planning, including prohibiting the display and offering of contraceptives for the prevention of pregnancy, although these provisions are not enforced. Noting that male condom use is very low, the Committee is concerned that only women are targeted with regard to contraception. The Committee also notes that information and statistics are missing as to other important areas of health to women, including on menopause, ovarian cancer and substance abuse, including tobacco, and the mental and psychological health of women.

64. **The Committee recommends that the laws restricting family planning activities be repealed. It urges the State party to provide women and men with information on family planning and to introduce programmes to encourage men to take part in family planning responsibilities. The Committee underlines the importance of article 12 of the Convention and urges the State party to implement policies and programmes in accordance with the Committee's general recommendation 24. The Committee requests the State party to provide detailed information on other areas of health that are of importance to women in its next periodic report.**

65. The Committee is concerned about the situation of rural women, in particular the indigenous Amerindians and the Maroons, in the coastal plain and in the interior of Suriname, who are disadvantaged by poor infrastructure, limited markets, obstacles in availability and accessibility of agricultural land and agricultural credit, low literacy rates, ignorance of existing regulations, lack of services and environmental pollution. It notes with concern the serious absence of specific policies in all these areas, including on family planning and preventing the spread of

sexually transmitted diseases, including HIV. The Committee is also concerned that women's work in rural areas is not considered productive labour and that they are hardly represented at all in local government bodies. The Committee is also concerned about the absence of detailed information on the situation of older women in rural areas.

66. **The Committee urges the State party to give full attention to the needs of rural women, including older women, particularly Amerindian and Maroon women, to ensure that they benefit from policies and programmes in all areas, in particular access to health, education, social services and decision-making. The Committee requests the State party to provide detailed information in this regard in its next periodic report.**

67. The Committee is concerned at the scarcity of details as to the legal capacity of women, in particular unmarried women, under articles 15 and 16 of the Convention in the report of the State party. It is also concerned at the very low age of marriage for some communities.

68. **The Committee urges the State party to review the law on marriage in line with articles 15 and 16 of the Convention and include in its next report more information and data, including judicial decisions, on cases involving residence, domicile and travel of women, and also with regard to their children. The Committee further requests the State party to include in its next periodic report information on the progress with regard to reform of the laws on marriage.**

69. **The Committee encourages the State party to consider ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.**

70. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

71. **The Committee urges the State party to respond in its next periodic report to the outstanding issues raised in the constructive dialogue and the specific issues raised in the present conclusions. It also urges the State party to improve the collection and analysis of statistical data, disaggregrated by gender and age, and to submit such data to the Committee in its next report.**

72. **The Committee requests that the text of the present conclusions be widely disseminated in Suriname so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party**

to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace in the Twenty-First Century", which was held in June 2000, particularly among women's associations and human rights organizations.

2. Combined initial, second, third and fourth report

Saint Kitts and Nevis

73. The Committee considered the combined initial, second, third and fourth report of Saint Kitts and Nevis (CEDAW/C/KNA/1-4) at its 553rd, 554th and 556th meetings, on 5 and 13 June 2002 (see CEDAW/C/SR.553, 554 and 556).

Introduction by the State party

74. In introducing the report, the representative of Saint Kitts and Nevis acknowledged the efforts and contributions of non-governmental organizations, women's groups and international agencies in advancing the cause of women in the country and expressed regret for the late submission of the combined initial, second, third and fourth periodic reports of Saint Kitts and Nevis to the Committee.

75. The representative informed the Committee about the institutional structure that existed in the State party to address women's issues. The national women's machinery included a Ministry of Gender Affairs, which had initially been established as the Ministry of Women's Affairs in 1984, an inter-Ministerial Committee, a National Advisory Committee and gender focal points. The national women's machinery had been strengthened through an increase in budgetary allocations and human resources. In 2000, the name of the department had been changed from Women's Affairs to Gender Affairs as it was felt that that name would more accurately represent the goals of gender and development with women and men as decision makers.

76. The representative indicated that the National Plan on Gender and Development for 1996-2000, developed and approved by the Government in 1996, included five of the twelve critical areas of concern highlighted in the Beijing Platform for Action, namely: violence against women and children; poverty; institutional mechanisms; health and leadership. He also mentioned that gender mainstreaming had been embraced by the Government as the most practical means to ensure women's equal participation in national development.

77. The representative stressed that, although Saint Kitts and Nevis had made tremendous progress in the area of women's participation, there was still not a critical mass of women in decision-making or political representation. Only three women had been elected to political office in the nation's history, and no women had ever been appointed ambassador.

78. The representative informed the Committee that Saint Kitts and Nevis had achieved greater success in the area of violence against women than in any other area. In that context, he described some relevant initiatives launched during the period under review, such as awareness courses on gender-based violence for police officers, public health nurses, social workers, counsellors and career guidance

workers, a Domestic Violence Act tabled and passed in 2000, various dissemination activities in the media and awareness-raising campaigns, including Zero Tolerance in 1997 and a Life Free of Violence Campaign in 1997-1998.

79. The representative pointed out that numerical gender equality in education was outstanding. In fact, enrolment statistics for 2001 indicated that, at all levels with the exception of the primary school level, the enrolment rate was higher for women than for men, and a new policy had been announced affirming the right of pregnant adolescents and teenage mothers to return to school. In that regard, in November 2001, "Project Viola" had been launched, with the main objective to create an enabling environment in which teenage mothers could complete their education.

80. The representative also underlined a number of achievements attained with regard to health, in particular, the efforts made by the Ministry of Health in bringing the maternal death rate as close to zero as possible and to implement an ante/post-natal health programme that would ensure optimum health for women. He further indicated that family planning was provided at health centres and by the family planning association. Breast examinations and cervical cancer screening had been instituted free of charge.

81. The representative informed the Committee that, although women were outperforming men at various educational levels, that achievement had not been translated into economic returns for women. Hence, women continued to be concentrated in the jobs that paid the least. In addition, many women were solely responsible for the care of children and that created a financial burden for them. The representative added that the Ministry of Women's Affairs/Gender Affairs had always implemented programmes that sought to encourage women to improve their caring capabilities. Skills training programmes with an entrepreneurial component had been organized in every rural community and many women had become self-employed or had used the skills gained to augment their income.

82. Finally, the representative stated that the Counselling Department of the Ministry of Social Development, Community and Gender Affairs piloted a parenting programme for fathers which had been very successful as fathers were able to interact in a non-threatening environment with facilitators. It also benefited women and children, since the sensitivity of men to their role as nurturers of children facilitated the mainstreaming of gender in the domestic sphere. As a result, a National Fathers' Association had been created.

Concluding comments of the Committee

Introduction

83. The Committee commends the State party for its ratification of the Convention without reservations in 1985 and for preparing and submitting its combined initial, second, third and fourth report. It expresses appreciation for the State party's efforts to follow the Committee's guidelines when preparing the report.

84. The Committee also thanks the State party for sending a high-level delegation headed by the Minister for Social Development, Community and Gender Affairs. It also commends the State party for the frankness of the report and the sincerity of its presentation, which enabled the Committee to enter into a constructive dialogue.

85. The Committee notes that the measures taken by the State party, particularly the National Plan on Gender and Development, are relevant to the implementation of the Beijing Platform for Action.

Positive aspects

86. The Committee welcomes the high level of commitment and political will demonstrated by the State party in the implementation of the principles of gender equality laid down in the Convention and the important leadership role played in the region.

87. The Committee commends the State party on the innovative national mechanisms established with a view to ensuring that women and men enjoy equal rights and on the progress achieved in the advancement of women over the past five years.

88. The Committee commends the State party on the achievements made in its health policy, particularly the reduction of the maternal mortality rate and programmes for post-partum care.

89. The Committee commends the State party on the progress achieved in the educational sphere, with a larger number of females enrolled, except in the primary schools.

90. The Committee is pleased to note that the State party has achieved great success in promoting gender equality in the information media through close collaboration with the Ministry of Gender Affairs. In this respect, the Committee particularly appreciates the prohibition laid down in the Law Reform Act on reporting or broadcasting matters which might lead to the identification of the defendants in sex offence cases.

91. The Committee commends the State party on the establishment of a Code of Ethics and Standards within the Labour Code to regulate the activities of foreign companies which wish to operate in Saint Kitts and Nevis.

Factors and difficulties affecting the implementation of the Convention

92. The Committee notes that one of the main obstacles to the full implementation of the Convention in Saint Kitts and Nevis has been the hurricanes which frequently devastate the country, and which in 1998 destroyed 85 per cent of the housing stock.

Principal areas of concern and recommendations

93. The Committee is concerned that the provisions of the Convention cannot be invoked in the courts.

94. **The Committee encourages the State party to accord the Convention the legal status it deserves as the most important and binding international legal instrument in the sphere of the advancement of women and the elimination of discrimination against them.**

95. The Committee expresses concern about the underrepresentation of women in decision-making posts and in political bodies, particularly Parliament.

96. **The Committee urges the State party to introduce a range of legal, political and administrative options, in line with, temporary special measures,**

in accordance with the provisions of article 4, paragraph 1, of the Convention, in order to improve the access of women to decision-making. The Committee recommends the adoption of programmes to change the tenor of the political discourse in campaigns in order to achieve greater female participation in them.

97. The Committee expresses concern at the low number of women in the diplomatic service, particularly in higher posts.

98. **The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1 of the Convention, to encourage women to enter into diplomatic careers.**

99. The Committee is particularly concerned that, although women have a higher level of education than men, this has not been translated into promotion of women to senior posts in the public and private sectors and/or increased economic returns for women, who continue to be concentrated mainly in the informal sector and in the jobs that pay the least.

100. **The Committee recommends the adoption of legislation that guarantees equal pay for work of equal value. It also recommends that measures should be taken to deal with the situation of unemployed women, and the large number of women who work in the informal sector, with a view to their inclusion in the formal sector, and access to social benefits.**

101. The Committee expresses concern about the high rate of teenage pregnancy.

102. **The Committee urges the State party to intensify awareness raising and sexual education aimed at responsible sexual behaviour in the schools and society at large in order to prevent pregnancies. In addition, the Committee recommends that men be involved in the design and implementation of all family planning strategies, policies and programmes.**

103. The Committee expresses concern about the persistence of cultural practices and strong stereotyped attitudes towards the roles and responsibilities of women and men, which affect all spheres of life and impede the full implementation of the Convention.

104. **The Committee urges the State party to increase its efforts to create awareness in the society about the need to change stereotyped and discriminatory attitudes concerning the role of women and girls, including through specific programmes directed towards boys and men. In particular, the Committee recommends the extension to all communities of the Ministry of Social Development's pilot parenting programme for fathers, in order to promote the idea of shared parental responsibility.**

105. Although it welcomes the legislation that has been adopted, in particular, the Law Reform Act and the 2000 Domestic Violence Act, and the programmes to prevent violence against women which are being implemented, the Committee expresses concern about the persistent high level of violence, particularly domestic violence, in the State party. The Committee is concerned about the high incidence of sexual abuse of girls particularly by older men. It is also concerned about the unwillingness of women to initiate complaints of domestic violence against husbands and to testify against them because of the unwritten code of family loyalty, which regards such violence as a private matter.

106. **The Committee urges the State party to enhance its efforts to combat violence against women and girls, in accordance with general recommendation No. 19. It also encourages the State party come up with creative solutions for shelters for victims of violence, adopt a zero tolerance approach to the sexual abuse of girls, and establish telephone help lines, rehabilitation programmes for offenders, and educational programmes targeted at men and boys on the prevention of violence and the reform of traditional negative attitudes towards women. The Committee also urges the State party to prosecute the perpetrators of abuse against girls. The Committee further urges the State party to pursue prosecution of offenders in cases of domestic violence even in the absence of testimony of the victim in the Court.**

107. Noting that marijuana is used in the country, the Committee is concerned about the lack of sex-disaggregated data on drug use.

108. **The Committee encourages the State party to collect data on the use of drugs and alcohol and its possible correlation with violence against women. It also encourages the State party to implement measures in order to prevent addiction to all types of drugs by young people.**

109. The Committee expresses concern about the lack of legal aid for women and the lengthy process which makes it difficult for women to take men to court in order to obtain child support. The Committee is also concerned that such a lengthy process allows men to serve a prison sentence instead of paying maintenance.

110. **The Committee urges the State party to take adequate legislative measures to make it easier for women to obtain child support and access to legal aid.**

111. The Committee is concerned about the lack of information about the phenomenon of prostitution in Saint Kitts and Nevis. The Committee is particularly concerned about the lack of adequate measures to prosecute pimps.

112. **The Committee encourages the State party to study the phenomenon of trafficking in persons, especially in view of the recent increase of tourism in the country. The Committee also urges the State party to formulate a broad strategy against trafficking and prostitution, which should include the prosecution and punishment of traffickers and pimps.**

113. The Committee notes the lack of statistical data disaggregated by sex in the economic sector, in particular as to the informal employment sector and part-time work. It also notes the lack of data on sexual harassment at the workplace.

114. **The Committee recommends broad collection of data disaggregated by sex, in particular with regard to the economic sector and urges the State party to include these in its next report.**

115. **The Committee urges the State party to ratify the Optional Protocol to the Convention, and to deposit its instrument of acceptance of the amendment to article 20, paragraph 1 of the Convention, on the Committee's sessions, as soon as possible.**

116. **The Committee urges the State party to respond in its next periodic report to the outstanding issues raised in the constructive dialogue and the specific issues raised in the present concluding comments.**

117. **Taking account of the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

118. **The Committee requests the wide dissemination in Saint Kitts and Nevis of the present concluding comments in order to make the people of Saint Kitts and Nevis and, in particular, government administrators and politicians aware of the steps that have been taken de jure and de facto to achieve equality for women and the future steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome documents of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

3. Combined third and fourth periodic reports

Belgium

119. The Committee considered the combined third and fourth periodic reports of Belgium (CEDAW/C/BEL/3-4) at its 559th and 560th meetings, on 10 June 2002 (see CEDAW/C. SR.559 and 560).

Introduction by the State party

120. In introducing the combined third and fourth periodic reports, the representative of Belgium noted that, for a federal State, responsibilities and competencies existed at both the federal and federated levels (consisting of the communities and regions). No hierarchy existed between federal and federated entities, but federated entities enjoyed maximum autonomy in policy-making based on the specific needs of their regions or communities. He pointed out that the report had resulted from collaboration between the various levels of power within the State party.

121. Since 1989 Belgium had made progress towards achieving equality between women and men, and each ministry had designed policies to ensure the advancement of women. Specific measures had been taken recently to ensure gender mainstreaming in policies at both the federal and federated levels.

122. In November 1998 Belgium had removed its reservation to article 7 of the Convention, and the procedure to remove the reservation to article 15 of the Convention had been initiated. Belgium had also begun its ratification process for the Optional Protocol to the Convention, which required ratification of the Protocol by the federal State and the communities and regions. Belgium had also taken steps

to support the amendment to article 20, paragraph 1, of the Convention, pertaining to the Committee's meeting time.

123. Equality between women and men was implicitly recognized by the Constitution; however, in February 2002, an explicit guarantee of equality had been incorporated into the Constitution in order to provide for redress in cases of discrimination and to guarantee both women and men their rights and freedoms, particularly in respect of equal access to elected and public office.

124. Belgium had made the struggle against all forms of discrimination one of its priorities. Draft legislation currently under consideration in the Federal Parliament would forbid all discrimination based on sex, race, colour, ethnicity, sexual orientation, income, age, religion, state of health (either present or future), handicap or physical characteristic. The creation of a national women's rights institution, which would conduct research and coordinate federal policies on relevant issues, was also under consideration.

125. New measures to coordinate equal-opportunity measures had recently been introduced in Belgium's French-speaking community. To ensure consistency and coordination of action by federal and federated authorities, a conference on equal opportunities had been held among the country's various governing entities, addressing violence against women; equal access of women and men to new information technologies; participation of women in the decision-making process, particularly gender-balanced representation on advisory bodies; and the relationship between public and private life, specifically in relation to childcare.

126. Confronting domestic violence and trafficking in women and sexual exploitation had been deemed of the highest priority. On 10 November 2001, an extensive awareness-raising campaign had been launched with regard to domestic violence. New local policies on physical and sexual violence had been initiated, including measures to gather statistical data and provide assistance to victims. The responsible ministries at all levels of government were reviewing a national plan to combat violence against women. Legislation on trafficking in persons, particularly women and children, for the purpose of sexual exploitation had been introduced on 13 April 1995; it accorded greater weight to statements of victims and provided increased protection. There had been more than 200 arrests and judgements in 1999 and 2000, and some 230 victims had been treated at specialized centres.

127. Belgium had developed a coordinated employment policy aimed at integrating equality between sexes. The 2002 National Plan for Employment identified and focused attention on challenges facing three groups in finding employment: seniors, women and the underskilled. Among the Government's actions to increase women's access to employment and give them better opportunities was the introduction of a bonus to long-term unemployed single parents who took jobs; compensatory time; promotion of training; and development of services.

128. In order to take advantage of new information and communication technologies, federal and federated authorities had concluded a cooperative agreement on women and new technologies in November 2001. The representative noted that it was also important to make what had been perceived as male spheres of employment open to women, particularly in the new technology sectors or in sectors that utilized modern means of production based on these technologies. In order to ensure full and complete participation by women in the marketplace, steps were also

being taken to promote equal pay for work of equal value, with a particular focus on the development of gender-neutral and non-discriminatory systems of valuation and classification. Negotiations were under way to increase the participation of civil society in those efforts.

129. As the first European State to introduce the principle of gender-based quotas on electoral ballots (in 1994), Belgium had continued to develop proactive policies to encourage female participation in public life. By 1999 the quota system had increased women's participation as electoral candidates well above the minimum figure required by law, and the number of women actually elected to legislative, communal and regional bodies had risen to one quarter of the total. However, women did not yet enjoy equal representation with men within decision-making bodies, and Belgium was determined to achieve true parity between the sexes in positions of power. To this end, efforts were being made to fight stereotypes and change the political culture of the country. Encouraging women to be politically active was also a priority in the Flemish community, which had developed a strategic plan aimed at supporting women who had been elected and recruiting more women as candidates.

130. The French community had been paying great attention to encouraging the participation of women in sports as a means of integration and development, particularly in underprivileged urban settings or rural areas. Women's health had also been of great concern, with the federal and federated authorities having recently launched a massive breast cancer detection campaign. All women between the ages of 50 and 69 were entitled to free testing every two years. Awareness-raising campaigns had been organized at the communities level, in which each woman was personally invited for a cancer screening test.

131. In concluding, the representative assured the Committee that progress on implementation of undertakings made by Belgium and enshrined in the Beijing Platform for Action was the subject of annual reports by the federal and Flemish governments to their respective Parliaments. Future challenges for Belgium included the need to combat indirect discrimination, the need for more coordinated gathering of gender-sensitive statistical data and indicators, and the systematic collection of a relevant body of jurisprudence. It was important to discourage the notion that all barriers to gender equality had already been removed and to take positive actions to sensitize the population to gender-equality issues in order to address stereotypes.

Concluding comments of the Committee

Introduction

132. The Committee commends the State party for its combined third and fourth periodic reports, although it regrets that it is not in accordance with the Committee's guidelines for the preparation of periodic reports. The Committee welcomes the written replies to the questions of the Committee's pre-session working group. The Committee also welcomes the written responses to a number of additional questions posed during the constructive dialogue, which were provided in the final week of the session.

133. The Committee welcomes the large delegation but regrets that no high-level representatives with political responsibilities constituted part of the delegation, as

this would have enhanced the dialogue that took place between the delegation and the members of the Committee.

134. The Committee welcomes the fact that Belgium removed its reservation to article 7 of the Convention, that it is considering lifting its reservation to article 15 of the Convention and that it has started the ratification process of the Optional Protocol to the Convention.

135. The Committee expresses satisfaction that the State party has made significant efforts to implement the Beijing Platform for Action.

Positive aspects

136. The Committee commends the State party on its employment policy, which integrates equality between women and men. It notes with satisfaction the affirmative action measures provided for by Belgian legislation since the late 1980s, in order to bring about de facto equality between women and men in the public and private sectors. In particular, it expresses satisfaction at the actions taken to create a better distribution of working and household tasks between women and men.

137. The Committee commends the State party for its measures to eliminate traditional and stereotypical attitudes regarding the role of men and women in the family, in employment and in society.

138. The Committee commends the State party for introducing the rape law of 4 July 1989, the royal ordinances for the protection of workers against sexual harassment of 19 September 1992 and 9 March 1995, the law on human trafficking of 13 April 1995 and the law to combat violence between partners of 24 November 1997. It also commends the State party for the development by the Ethics Commission, pursuant to the law of March 1995, of a code of ethics for telecommunications information services in an effort to protect minors, in particular the girl child, by monitoring the presence of violence and sex in media programmes.

Principal areas of concern and recommendations

139. The Committee, while recognizing the adoption of a wide range of gender-equality policies, is concerned that a certain number of those policies have yet to be implemented or evaluated.

140. **The Committee urges the State party to implement all policies that have been formulated and to make an assessment of the measures already implemented with a view to future improvements.**

141. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and European Union provisions, the Committee is concerned that the Convention has not been given central importance as a binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

142. **The Committee urges the State party to place emphasis on the Convention as a binding human rights instrument, and to view the Platform for Action as a complementary policy document to the Convention in its efforts to achieve the goals of equality. It furthermore urges the State party to take proactive measures to raise awareness about the Convention.**

143. While recognizing that the existence of numerous federal and local structures on the advancement of women ensures that adequate attention is given to women's issues in the country and provides enhanced conditions for gender mainstreaming, the Committee notes that these various structures, based on different levels of autonomy and authority, might create difficulties as regards implementation of the Convention, as well as regarding coordination, accountability, responsibility and uniformity of results in the implementation of the Convention.

144. **The Committee recommends to the State party that it ensure, through effective coordination of all efforts at all levels in all areas, that uniformity of results in the implementation of the Convention is achieved.**

145. The Committee expresses concern that, in defining a broad concept of equality, the Constitution of Belgium does not specifically address discrimination on the basis of sex. While noting that the report addresses discrimination against men, the Committee emphasizes that the obligations in the Convention are directed at the elimination of discrimination against women.

146. **The Committee calls on the State party to make the necessary legislative changes to deal with discrimination on the basis of sex. It urges the State party to frame its gender policy in both the elimination of discrimination and the promotion of equality, which are two different but equally important goals in the quest for women's empowerment. The Committee recommends that, when addressing discrimination against men, the State party should retain its focus on the Convention, and the need to achieve gender equality by eliminating discrimination against women.**

147. While recognizing the impressive gains achieved in the participation of women in public life resulting from the implementation of the 1994 law to promote balanced representation of men and women in electoral candidate lists, the Committee is concerned that, in some cases, the quotas have not necessarily led to the expected results.

148. **The Committee urges the State party to analyse the challenges that it has encountered in achieving the goals set in the 1994 law and to evaluate achievements on the basis of final results. It calls on the State party to ensure that women and men are able to participate on an equal footing in the political sphere.**

149. The Committee is concerned about the significant decline, in recent years, in women's participation in the entrance examinations for the diplomatic service.

150. **The Committee urges the State party to accelerate its efforts to increase the female presence in the diplomatic service.**

151. The Committee is concerned about the high incidence of violence, including domestic violence, against women and children in the State party. In particular, the Committee is concerned that the mediation procedure established to facilitate reconciliation between the offender and the victim might condone violence by facilitating disadvantageous compromise. The Committee also expresses concern about the fact that Belgium's law does not define sexual crime as a human rights violation and classifies sexual abuse as a crime of morality rather than as a violent crime.

152. **The Committee calls on the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of human rights. In particular, the Committee urges the State Party to formulate appropriate measures and laws in conformity with its general recommendation 19 to prevent violence, punish and rehabilitate offenders and provide services for victims.**

153. The Committee is concerned that sanctions under the 1995 law on human trafficking may not be adequate to deter trafficking. The Committee is also concerned that deletion of the crime of procuring to avoid sanctions for cohabitation may facilitate the exploitation of prostitutes.

154. **The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, including within the territory of the State party, which should include the prosecution and punishment of offenders, and increased international, regional and bilateral cooperation with countries of origin, transit and destination of trafficked women and girls. It encourages the State party to increase its efforts to combat the root causes of trafficking and assist its victims through efforts of counselling and reintegration. It calls on the State party to ensure that trafficked women and girls have the support that they need so that they can provide testimony against their traffickers. It also calls on the State party to review the change in the Law on procurement to ensure that the exploitation of prostitutes is not facilitated.**

155. The Committee is concerned that the report provides insufficient information about the situation of migrant and refugee women.

156. **The Committee calls on the State party to provide comprehensive information on these groups of women in its next periodic report.**

157. While recognizing the achievements in ensuring women's health, in particular the State party's comprehensive policy to combat HIV/AIDS, the Committee is concerned about the disparities with regard to the health of women throughout the country. It is furthermore concerned about the phenomenon of teenage pregnancy and voluntary termination of pregnancy among women as young as 14.

158. **The Committee urges the State party to effect better coordination of its health policy in conformity with the Convention and general recommendation 24 on women and health in all regions of the country. It further calls on the State party to formulate policies, strategies and programmes to prevent early pregnancies, including education campaigns addressed to young men as well as young women.**

159. While noting that the State party provided comprehensive annexes to the report, the Committee expresses concern about the insufficient sex-disaggregated statistical data in the report.

160. **The Committee recommends a comprehensive compilation and analysis of sex-disaggregated data as relevant under federal and regional authorities. It urges the State party to include such statistics and data in the text of its next report rather than as annexes to the report.**

161. The Committee is concerned about the continuing high level of unemployment among women, the high number of women in part-time and temporary jobs and the wage discrimination faced by women.

162. **The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.**

163. The Committee is concerned about the discrimination women face concerning issues of social security and taxation.

164. **The Committee urges the State party to analyse the various forms of discrimination on issues of social security and taxation faced by women, to remedy such discrimination and to provide information in its next report on these areas.**

165. The Committee is concerned about the discriminatory nature of Belgian law on family names, which does not allow a child to be given the name of his/her mother at his/her birth when his/her parents are married or cohabiting.

166. **The Committee calls on the State party to modify the legislation on family names to permit choices in transmitting family names to children.**

167. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to deposit, as soon as possible, its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, on the Committee's meeting time.**

168. **The Committee requests the State party to respond to the concerns expressed in these concluding comments in its next periodic report under article 18 of the Convention.**

169. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next report.**

170. **The Committee requests the wide dissemination in Belgium of the present concluding comments in order to make the people of Belgium, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

Tunisia

171. The Committee considered the combined third and fourth periodic report of Tunisia (CEDAW/C/TUN/3-4) at its 567th and 568th meetings, on 14 June 2002 (see CEDAW/C/SR.567 and 568).

Introduction by the State party

172. In introducing the report, the representative of Tunisia informed the Committee that, in the early days of the twentieth century, a reform movement advocating freedom for women had existed in Tunisia. Since the Personal Status Code of 1956 had eliminated polygamy, regulated divorce and defined a minimum legal age for marriage; and since the Tunisian Constitution of 1959 had enshrined the principle of equal rights between men and women in all fields, there had been a number of accomplishments in the country, including the Change of November 1987, which had consolidated women's status within the family and society and had enhanced women's role in the development process. Such gains were further reinforced following the major decisions announced on 13 August 1992 introducing new concepts, such as cooperation, complementarity, partnership and mutual respect.

173. The Government's policy was grounded on the principle of effective equality between men and women within the family and society and women's rights were an integral part of the overall system of human rights, which had become one of the priorities of political action in Tunisia since the Change. She also noted that, in response to the Committee's recommendations following the discussion of Tunisia's two reports in 1995, and in response to the recommendations contained in the 1995 Beijing Platform for Action, Tunisia had made various decisions in terms of institutional mechanisms and activity design and planning. Among the institutional mechanisms which had been established were: a committee on equal opportunity to monitor compliance with legislation; a committee on the image of women in the media within the National Council for Women and the Family; and a national committee for the promotion of rural women. Since 1995, Tunisia had also developed its legislative system, including the Personal Status Code, the Nationality Code, the Electoral Code and the Labour Code, in line with development needs.

174. The representative reviewed a number of indicators which indicated an accelerating pace of progress in Tunisia in giving concrete substance to equal opportunity between men and women and in integrating the principle of equal opportunity in all fields — education, vocational training, effective involvement in development activities and access to decision-making positions.

175. No section of society was excluded from Tunisia's comprehensive development project, with appropriate attention being given to ensuring the integration of rural women within the economic and social cycle through a national strategy for the promotion of rural women, which was formulated in full partnership with civil society organizations devoted to development issues. The representative underscored the fact that such organizations were now playing a major role in formulating programmes and strategies and had thus become partners in the dynamics of development.

176. The representative stated that Tunisia's determination to translate the values of equality between men and women into reality was dependent upon the dissemination

of a whole body of culture aimed at changing mindsets and behaviours by promoting the values of solidarity and tolerance, civic behaviour, respect for others and dialogue within the family, thus contributing to the eradication of stereotypes. Great importance was attached by the Government to all factors that could impede the incorporation of such values, and priority was given to the issue of violence, both verbal and physical, with legislative and institutional steps being introduced in this context.

177. In order for progress in the promotion of women's rights to continue in Tunisia, there was a need to develop a comprehensive network of mechanisms to monitor the evolution of the status of women in the country. They would include a national programme aimed at enhancing the national statistical system, the adoption of gender classification in all sectors, and the establishment of an observatory within the Centre for Research, Documentation and Information on Women to collect comparative data on the status of men and women in all fields.

178. In concluding, the representative affirmed that the promotion of women's rights in the country had been included in the President's Programme for the Future. She stated that, thanks to its political determination and the mobilization of modern technologies, Tunisia was resolved to make considerable headway in striking an equitable and comprehensive balance among the various components of society.

Concluding comments of the Committee

Introduction

179. The Committee expresses its appreciation to the State party for submitting its combined third and fourth periodic report, which is in accordance with the Committee's guidelines for the preparation of periodic reports. It commends the State party for the extensive written replies to the issues raised by the pre-session working group and the State party's oral presentation, which provided additional information on the implementation of the Convention in Tunisia.

180. The Committee commends the State party for its high-level delegation, headed by the Minister for Women and Family Affairs. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

181. The Committee notes that governmental action, in particular the Ninth National Development Plan, is placed within the context of the implementation of the Beijing Platform for Action.

182. The Committee notes that reservations have been made by the State party to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d), (f), (g) and (h).

Positive aspects

183. The Committee commends the State party for its political will and commitment to implementing the Convention and to achieving equality between women and men, as reflected in a range of laws, institutions, policies, plans and programmes to address discrimination against women in Tunisia.

184. The Committee commends the State party on the early reforms of its Personal Status Code, which abolished polygamy and granted the right to divorce to both

spouses, and its reform of the inheritance law. The Committee welcomes the continuing legislative reforms by the State party. It welcomes the amendments to the Personal Status Code, which provide women with the capacity to institute legal proceedings in their own name, affirm the principle of equality and partnership between spouses, provide that both parties should cooperate in managing family affairs, prevent manipulation of divorce proceedings by the husband, allow spouses to agree to a joint property regime and grant women the right to give their family name to a child born of an unknown father and the opportunity for gene-testing to prove parenthood. The Committee also welcomes the reform of the Penal Code, which imposes heavy penalties for the killing of a woman for adultery.

185. The Committee commends the reforms to the nationality law introduced by the State party in working towards harmonizing the law with article 9 of the Convention.

186. The Committee commends the State party for its progressive development of the national machinery and the reconstitution of the Ministry for Women and Family Affairs as a full Ministry in 1999. The Committee notes with appreciation that the Ministry's budget has doubled since 1994. The Committee further commends the efforts of the State party to consolidate the status of Tunisian women through the establishment of the commission for monitoring the image of women in the media and a national commission for the promotion of rural women.

187. The Committee notes with appreciation the progress made in increasing the enrolment and retention of girls in schools at all levels, including in higher education, the diversification in their areas of study, and reduction of female illiteracy. The Committee commends the measures taken to improve women's health, including through the provision of reproductive health services and reduction of maternal and child mortality rates. The Committee also notes that rural women are enjoying an overall improvement in the quality of rural life due to a combination of regional development and overall sectoral policies, and that these women are benefiting from technical and financial support through the efforts of the economic and financial authorities in Tunisia.

Principal areas of concern and recommendations

188. While appreciating the progress made towards creating an environment for withdrawal of the reservations to articles 9, paragraph 2; 15, paragraph 4; and 16, paragraph 1 (c), (d), (f), (g) and (h), through legal reforms, the Committee expresses its concern that these reservations continue to be retained.

189. **The Committee urges the State party to expedite the steps necessary for the withdrawal of its reservations.**

190. While welcoming the legislative reforms introduced by the State party aimed at eliminating discrimination against women, the Committee is concerned about the remaining discriminatory provisions, especially in the nationality law and the Personal Status Code.

191. **The Committee urges the State party to continue the process of legislative reform and review relevant existing laws in consultation with women's groups.**

192. The Committee expresses concern that, although the Constitution provides for the equality of all citizens and the 1997 amendment to the Constitution introduced

the concept of non-discrimination with regard to political parties, the Constitution does not contain a specific definition prohibiting discrimination against women and there is no definition of such discrimination in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination. The Committee is concerned at the lack of legal remedies to ensure that the Constitutional provision on equality is enforced or court decisions in which women have obtained redress for acts of discrimination.

193. **The Committee urges the State party to include the definition of discrimination against women in accordance with article 1 of the Convention in its national law and to ensure adequate mechanisms to enable women to seek and obtain redress from the courts for violation of the rights protected by the Convention and the Constitution, with appropriate remedies. The Committee recommends the intensification of education and training programmes on the Convention to enhance the knowledge of judges, lawyers and law enforcement personnel. The Committee invites the State party to provide, in its next report, information about complaints filed in courts based on the Convention, as well as any court decisions that refer to the Convention.**

194. The Committee is concerned that there is a lack of systematic data collection on violence against women, including domestic violence, violence against women in detention centres and prisons, and sexual harassment in the workplace and in other institutions. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment. The Committee is concerned that article 218 of the Penal Code provides that the withdrawal of a case by a victim terminates any proceeding.

195. **The Committee recommends that the State party devise a structure for systematic data collection on all such forms of violence against women. The Committee calls upon the State party to ensure that all violence against women is prosecuted and punished and that women victims of violence have immediate means of protection and redress. In the light of its general recommendation 19, the Committee requests the State party to enact specific legislation on domestic violence, including marital rape and sexual harassment. It recommends that the number of shelters for women victims of violence be increased and that full sensitization of public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, to all forms of violence against women is ensured. The Committee calls upon the State party to create public awareness of violence against women as an infringement of human rights that has grave social costs for the whole community.**

196. The Committee is concerned at the limited information on trafficking in women and girls and exploitation of prostitution. The Committee notes with concern that, although prostitution is legally prohibited, there are authorized places for it.

197. **The Committee requests the State party to include in its next report information and data on, and the measures taken to prevent and combat, trafficking in women and girls and exploitation of prostitution, as well as the measures taken to protect, rehabilitate and reintegrate women and girls who have been victims.**

198. While noting the measures taken to increase women's political participation, the Committee is concerned about the low representation of women in high-level

decision-making positions, including as members of the Chamber of Deputies, in government positions, in the central council and executive committee of the Tunisian Union for Agriculture and Fisheries, as high-ranking diplomats and as full professors in the universities.

199. **The Committee urges the State party to take measures to increase the representation of women in high-level decision-making positions through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention in order to realize women's right to participate in all areas of public life and, particularly, at high levels of decision-making.**

200. The Committee is concerned at the low level of women's labour force participation and at the lack of information regarding its causes. The Committee welcomes Act No. 83-112, which prohibits discrimination on the basis of sex with regard to public entities, but is concerned that such legislation does not extend to the private sector. The Committee notes the absence of statistical data on wages disaggregated by sex and on pensions and social rights.

201. **The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment. The Committee also urges the State party to adopt and enforce appropriate legislation to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment. The Committee requests the State party to include in its next report sex-disaggregated data on wages, pensions and social rights.**

202. While noting the reduction in the general illiteracy rate of women, the Committee is concerned that the rate is still high among certain groups of women, particularly rural women and older women.

203. **The Committee encourages the State party to further implement programmes specifically designed to reduce female illiteracy, particularly among rural and older women.**

204. The Committee is concerned about the situation of single women with children born out of wedlock and the limited information thereon.

205. **The Committee requests the State party to include in its next report information on the situation of single women with children born out of wedlock, including the measures taken to ensure that their rights are protected.**

206. **The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

207. **The Committee also urges the State party to sign and ratify the Optional Protocol to the Convention.**

208. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the**

twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

209. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.**

210. **The Committee requests the wide dissemination in Tunisia of the present concluding comments in order to make the people of Tunisia, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

Zambia

211. The Committee considered the combined third and fourth periodic report of Zambia (CEDAW/C/ZAM/3-4) at its 551st and 552nd meetings, on 4 June 2002 (see CEDAW/C/SR.551 and 552).

Introduction by the State party

212. In introducing the report, the representative of Zambia stated that her Government had demonstrated its political will and commitment to eradicating discrimination against women, had acceded to or ratified international treaties that guaranteed human rights without distinction based on sex or other grounds and had joined the international community in endorsing several plans of action for the full, equal and beneficial integration of women in all development activities.

213. Like most Commonwealth countries, Zambia had a legal regime wherein international instruments were not self-executing and required enabling domestic legislation to be directly enforceable. Although the Convention had not been fully incorporated through such legislation, there were certain provisions in Zambian law that reflected the Convention's standards. A priority for Zambia was the incorporation of the international human rights instruments to which it was a party.

214. Acts that caused physical, sexual or psychological harm or suffering to women and children were condemned in the Zambian Constitution, Part III, which bestows upon all persons in Zambia regardless of race, place of origin, political opinion, colour, creed, sex or marital status, the rights and freedom enshrined therein.

215. Fifty point seven per cent of Zambia's population of 10.3 million were women, and according to the Zambia demographic health survey (1996), fertility rates,

although declining, were still high at 6.1 children per woman, with the majority of women becoming mothers or pregnant by 19 years of age. As of 1995, life expectancy was 43 years for women and 41 years for men. The Zambian population is young with 45 per cent being 15 years or younger.

216. Certain centuries-old discriminatory customary laws and practices were still prevalent in Zambia, and the arbitrary administration of customary law had been identified as a major hindrance to the elimination of discrimination against women. The disparity between women and men was a consequence of historical and cultural factors that contributed to a division of labour where men were encouraged to participate in production, and women to work in the traditional sector. The Government, civil society and non-governmental organizations were cooperating to sensitize women, men, girls and boys about their rights and the course of action to be taken in discrimination cases. A Technical Committee to Review Laws, Enforcement Mechanisms and Support Systems relating to gender-based violence had recommended that customary law that was not contrary to natural justice should be codified, and a law development commission was documenting the diverse customary laws and practices with a view to eliminating those that were repugnant to gender equality. Steps were also being taken to eliminate stereotyping in school textbooks, introduce gender training for curriculum development officers, and encourage girls to enrol in technical courses.

217. Women's equal participation in public life had been one of Zambia's priority areas, as women were underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions. Women constituted over 53 per cent of the electorate; yet, less than 12 per cent of elected officials were women, and women constituted less than 10 per cent of senior government officials. In 1997, the Government had signed the Southern African Development Community (SADC) Declaration on Gender and Development that committed Governments to ensure that there was at least 30 per cent participation of women in politics and decision-making by 2005. In the 2001 general elections, 19 out of 202 women candidates had been elected to parliament, with civil society playing a vital role in encouraging women to participate in the electoral process as voters and candidates. The Government had adopted a public service training policy which contained affirmative action measures to train women employed in the civil service so that they would qualify for higher positions.

218. Twenty-five per cent of government university scholarships were reserved for women who qualified for university entrance; and lower cut-off marks for girls at eighth and tenth grades had been introduced. All-boy technical schools had been transformed into co-educational schools; and a policy of readmitting girls to school following childbirth had been introduced.

219. Zambia had ratified the International Labour Organization (ILO) Convention on equal pay for work of equal value and had repealed laws that banned women from certain types of work. However, women continued to encounter difficulties in gaining access to training and employment and the Government was currently giving those matters active and special attention.

220. Women's reproductive health, particularly in the rural areas, remained an area of concern. The Zambia demographic and health survey had estimated the maternal mortality rate at 649 deaths per 100,000 live births and a 1995 study by the

University Central Hospital indicated that 75 per cent of maternal deaths occurred among teenage mothers. Traditional birth attendants were being trained to supplement the efforts of medical personnel, especially in rural areas, and family life education to educate girls and boys about, inter alia, the dangers and prevention of HIV/AIDS, as well as youth-friendly areas in all health centres and provision of counselling and testing in maternal and child health and family planning clinics had been introduced.

221. Although rural women were involved in subsistence agriculture, unpaid domestic work and casual or seasonal labour, they were classified as housewives, unemployed or economically inactive. The unreliable or non-existent road infrastructure in most rural areas made it more difficult for subsistence farmers, particularly women, to market their produce. That was compounded by women's lack of collateral, limited education, lack of access to credit and other means of production.

222. Family relations were governed by a dual legal system of statutory and customary laws, with customary law being largely biased against women. Customary laws were unwritten and administered in male-dominated local courts mainly presided over by untrained justices with patriarchal attitudes. The Government intended to ensure that women and men were treated equally in marriage and family matters and were given the right to decide freely whether or when to have a child.

223. Zambia's Constitution and Citizenship Act had been amended in 1989 to remove the discriminatory provision that stipulated that a foreign spouse of a Zambian man could apply for citizenship after three years of residence in Zambia, while the foreign spouse of a Zambian woman required 10 years of residence. The requirement that women obtain the written consent of their husbands before their children were included in their passports had been abolished.

224. In concluding, the representative indicated that implementation of the Convention had been affected by embedded traditional beliefs, a lack of appreciation of gender issues and concerns, and limited financial and human resources. Limited collaboration between the Government and civil society had also had a negative impact. The Government of Zambia would seek to facilitate further change and considered collaboration with civil society as a key element in ensuring that women were not discriminated against in government endeavours to attain sustainable development.

Concluding comments of the Committee

Introduction

225. The Committee commends the State party on its combined third and fourth periodic report, which is in accordance with the Committee's guidelines for the preparation of reports. It also commends the State party for the comprehensive and frank written replies to the questions posed by the Committee's pre-session working group and for the oral presentation of the delegation, which sought to clarify the current situation of the implementation of the Convention in Zambia.

226. The Committee commends the State party for its delegation and appreciates the delegation's willingness to engage in frank and constructive dialogue with the Committee.

Positive aspects

227. The Committee welcomes efforts to strengthen the national machinery on women, the introduction of gender mainstreaming and the adoption of several policies and programmes to eliminate discrimination against women, including the National Gender Policy and the establishment of the Gender in Development Division, under the Office of the President.

228. The Committee commends the efforts made by the State party to review existing laws that discriminate against women. It also notes the enactment of the Marriage Act and the Intestate Succession Act, which provide protection for women in marriage and inheritance.

229. The Committee commends the introduction of the Programme for the Advancement of Girl Child Education, the reservation of 25 per cent of government scholarships exclusively for women who qualify for entry into universities and the lowering of cut-off points for girls to qualify for entry to grades 8 and 10 in schools in order to redress inequality in the education sector.

Principal areas of concern and recommendations

230. The Committee expresses concern at the contradictory provisions contained in the Constitution whereby article 11 guarantees the equal status of women and article 23 (4) permits discriminatory laws to exist in the area of personal law, namely: revenue allocation, adoption, marriage, divorce, burial, devolution of property on death, or other matters of personal law and customary law with respect to any matter.

231. **The Committee urges the State party to repeal article 23 (4) of the Constitution, which permits discrimination in the area of law that most affects women.**

232. The Committee is concerned that the Convention has not been directly incorporated into domestic law and its provisions cannot be invoked before the courts.

233. **The Committee recommends that the State party incorporate the Convention into domestic law.**

234. The Committee is concerned that the provisions in existing laws, including new laws such as the Marriage Act and the Employment Act, discriminate against women directly or indirectly.

235. **The Committee calls upon the State party to review and reform its legislation to ensure that it is in harmony with the Convention.**

236. The Committee is concerned that existing constitutional and other legal rights of women to redress discrimination are not being properly implemented or enforced.

237. The Committee calls upon the State party to strengthen law enforcement and to provide effective remedies through the courts for women who experience discrimination. The Committee requests the State party to develop training

programmes on women's human rights for judges and law enforcement officers and to disseminate information to the public, especially women.

238. The Committee expresses concern at the high level of violence against women and girls, including domestic violence and marital rape. It also expresses serious concern about the number of older women who have been murdered for superstitious reasons by family members or by others in Zambia in recent years.

239. **The Committee urges the State party to assign the issue of violence against women high priority and to recognize that such violence constitutes a violation of the human rights of women under the Convention. In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence as soon as possible and to ensure that violence against women and girls constitutes a criminal offence and that female victims of violence have immediate means of redress and protection. The Committee also recommends gender training for all public officials, in particular law enforcement officials and the judiciary, as well as health workers, to educate them about the consequences of all forms of violence against women and girls. It also recommends the establishment of counselling services for the victims and public awareness campaigns in order to adopt and implement a zero tolerance policy with regard to all forms of violence against women and girls. The Committee requests the State party to report fully in its fifth periodic report on the issue of violence against women and girls.**

240. While welcoming the State party's commitment to achieving 30 per cent participation by women in politics by 2005, the Committee notes with concern that the participation of women in political and public life is limited, and that women are underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions in the community.

241. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.**

242. While noting that the State party has made progress in addressing the basic health needs of women in Zambia, the Committee expresses concern at the high level of maternal and infant mortality, low life expectancy, very high teenage pregnancies and unsafe abortions and lack of adequate health-care facilities and family planning services, particularly in the rural areas.

243. **The Committee recommends that the State party formulate polices and allocate adequate resources to improve the status of women's health, in particular with regard to maternal and infant mortality. It urges the State party to increase women's access to healthcare and family planning services. It also recommends that national reproductive health programmes be designed and implemented in order to prevent early pregnancy and induced abortions in the rural and urban areas.**

244. The Committee expresses concern at the increasing rate of HIV/AIDS and the absence of measures for the care of women and girls infected with HIV/AIDS.

245. **The Committee urges the State party to take holistic measures to combat the HIV/AIDS pandemic and to take further practical preventive measures, including by providing access to condoms for women and men. It also urges the State party to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also emphasizes that the collection of reliable data on HIV/AIDS is critical to gaining an understanding of the pandemic.**

246. Despite the State party's effort in the area of education, the Committee is concerned at the low rate of female literacy, the low enrolment of girls in school in rural and urban areas and the high dropout rate of girls due to pregnancies. These negative factors are reinforced by stereotyping in textbooks. It notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

247. **The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to prevent girls dropping out of school. It encourages the State party to introduce further special measures in the area of education, including incentives for parents to send girls to school and to encourage the recruitment of more qualified women teachers.**

248. The Committee expresses concern at the high rate of unemployment among women. It also expresses concern at disparities between women's and men's wages, sexual harassment, and the lack of social security for women.

249. **The Committee urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention in creating employment opportunities for women. Efforts should be made to expand the community-based public workers programme into areas where the number of unemployed women is particularly high. The Committee calls on the State party to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention.**

250. The Committee expresses concern that marriage and family relations are governed by dual legal systems of statutory and customary law, and that many of these laws are not in harmony with the Convention. It also notes that customary law is mostly unwritten and often administered by male justices without a legal background, and that discrimination against women is not addressed in their decisions.

251. **The Committee recommends that statutory law be reformed and customary law revised and codified to conform with article 16 of the Convention. It also recommends the introduction of programmes on legal education, gender sensitization and human rights for judges.**

252. The Committee is concerned that polygamy is widely accepted and not effectively combated by the State party.

253. **The Committee recommends that the State party take comprehensive and effective measures, including training for judicial and law enforcement officials and public awareness-raising campaigns, in order to eliminate the practice of polygamy.**

254. The Committee is concerned that aspects of the law on nationality as described in the report continue to discriminate against female spouses.

255. **The Committee recommends that these laws be amended in conformity with article 9 of the Convention, and that court decisions recognizing women's equal rights be enforced.**

256. While the Committee commends the State party's efforts to host refugees from neighbouring countries, it is concerned at the State party's capacity to protect and guarantee the rights of refugees.

257. **The Committee recommends that the State party continue to give assistance to refugee women and girls, and carry out rehabilitative efforts directed at them. The Committee also recommends that the State party seek further support from, and continue to work in close cooperation with, appropriate international agencies in the field of refugee protection, in particular, the Office of the United Nations High Commissioner for Refugees.**

258. **The Committee requests the State party to respond to the unanswered questions raised during constructive dialogue with the Committee and to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, and to submit such data to the Committee in its next report.**

259. **The Committee urges the State party to sign and ratify the Optional Protocol to the Convention, and to deposit as soon as possible its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

260. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

261. **The Committee requests the wide dissemination in Zambia of the present concluding comments in order to make the people of Zambia, particularly members of non-governmental organizations, administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the**

Committee's general recommendations, the Beijing Declaration and Platform for Action, the results of the twenty-third special session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century" and the Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

4. Combined fourth and fifth periodic report

Ukraine

262. The Committee considered the combined fourth and fifth periodic report of Ukraine (CEDAW/C/UKR/4-5 and Corr.1) at its 555th and 556th meetings, on 6 June 2002 (see CEDAW/C/SR.555 and 556).

Introduction by the State party

263. In introducing the report, the representative of Ukraine informed the Committee that although Ukraine was a young State, formed only in 1991 when it seceded from the Union of Soviet Socialist Republics, during its first decade an important democratic structure had been developed, which constituted the basis for the promotion of gender equality. In 1996, Ukraine adopted a constitution that embodied the principle of the equal rights of men and women, based on the view that all people were equal in their dignity.

264. The representative informed the Committee that a Ministry of Family and Youth had been established in 1996 to implement the State policy on the family, women, young people and children. The Ministry had prepared legislation to comply with general human rights standards. In 1997, a National Plan of Action for the years 1997-2000 was launched by the Cabinet of Ministers of Ukraine, aimed at improving the situation of women and expanding their role in society. In 1999, the Verhova Rada (Parliament) adopted a declaration on general principles of State policy concerning the family and women, which provided for the enhancement of women's role in the economic, political, social, cultural and spiritual life of the country. In 2001, a family code on the equal rights and duties of women and men vis-à-vis family matters was endorsed, and a new National Plan of Action for the years 2001-2005 was adopted.

265. The representative informed the Committee of the increase in the number and impact of non-governmental organizations (NGOs) and women's groups in Ukraine over the last five years. During this period, the number of national and international NGOs had increased threefold and, to strengthen the links between the Government and NGOs, the National Council of Women of Ukraine had been created. The women's movement had become very active, particularly regarding activities related to education on gender issues to combat social and cultural stereotypes. The representative pointed out, however, that difficulties had been encountered in eliminating stereotypes and ensuring gender equality at a time when Ukraine was experiencing serious economic problems resulting from the transition from a State-controlled to a free market economy.

266. The representative informed the Committee of the situation of women in the fields of education, employment and health. She noted that women and men had equal access to education, as guaranteed by the Constitution. During 2000-2001,

girls constituted 49 per cent of pupils in schools and over half of the students in higher education; in addition, 48 per cent of students seeking doctorates were women. However, despite women's high qualifications, the job market continued to be segregated. Women were mainly employed in the education, health, culture and service sectors, where salaries were lower. Overall, women's salaries were 73 per cent of those of men's. The Government was trying to remedy the horizontal segregation of the labour market through its National Plan of Action, with mandatory social insurance for the unemployed. Measures had been taken to provide allowances to facilitate job creation, while jobs had been set aside to assist sectors of the population that needed special protection, including women with children below six years of age or single mothers with children below 14 years of age. The representative informed the Committee that the Constitution provided for free health assistance as well as for measures to assist pregnant women. She noted the remarkable improvement achieved in the rate of maternal mortality, which had dropped from 34 deaths per 100,000 women in 1996 to 25 deaths per 100,000 women in 2000. During the same period, the number of abortions had also declined by one third.

267. In the 2002 elections, the number of women in local government had risen by up to 50 per cent. However, the number of women in Parliament remained low, at 5.1 per cent, while in the central organ of the executive branch, women occupied only 6 per cent of high-level posts. Political life remained largely male-dominated. Women were excluded from the centres of power and did not participate in the decision-making processes of resource allocation and management. In order to guarantee equal opportunities for women and men in political life, in 1999, a bill on State guarantees of equal rights and opportunities was proposed, which was to be considered for adoption by the new Parliament.

268. The representative informed the Committee that the Government was paying serious attention to the issue of violence against women, including domestic violence, sexual exploitation and sexual harassment. In 2001, the Act on the Prevention of Domestic Violence had been adopted. In addition, crisis centres and shelters had been set up for the social rehabilitation of women and children victims of violence. In order to combat trafficking in women and children, the Government had acceded to various international conventions to prevent trafficking and, in May 2002, had adopted a comprehensive programme against trafficking for the years 2002-2005, focused on three areas: prevention of trade in persons; prosecution; and rehabilitation.

269. Measures had been taken by Ukraine to maintain peace among the 130 nationalities coexisting in the State. Ethnic groups were protected by legal and normative instruments, including the Convention on the Protection of National Minorities, ratified in 1997.

270. In concluding, the representative noted that Ukraine had made steady progress towards achieving gender equality and advancing the status of women, particularly since 1996 when the Committee considered Ukraine's third periodic report and made valuable recommendations that had helped to create the conditions for women's empowerment. In order to accelerate progress on promoting gender equality, however, Ukraine would need to mobilize national resources. The representative also acknowledged the importance of the support provided by international

organizations, including the United Nations system, for the promotion of equality between women and men in Ukraine.

Concluding comments of the Committee

Introduction

271. The Committee expresses its appreciation to the State party for submitting its combined fourth and fifth periodic report, which generally follows the Committee's guidelines for the preparation of periodic reports. It commends the State party for the written replies to the issues raised by the pre-session working group and the State party's oral presentation, which provided additional information on the current situation of the implementation of the Convention in Ukraine. The Committee commends the State party on its delegation, headed by the Head of the State Committee for Family and Youth Affairs.

272. The Committee notes that governmental action, in particular the National Plan of Action to improve the situation of women, is placed within the context of the implementation of the Beijing Platform for Action.

Positive aspects

273. The Committee notes with satisfaction that the Convention is incorporated into Ukrainian law and has precedence over conflicting national legislation.

274. The Committee welcomes the range of laws and programmes that have been introduced, including the law on the prevention of domestic violence, the criminal law that makes trafficking in persons a criminal offence and the new family code, as well as other efforts undertaken to improve the situation of women and promote gender equality, such as the elaboration of a draft law on equal opportunities.

275. The Committee expresses its satisfaction with the presence of an increasingly active civil society on women's issues in Ukraine, including many women's political parties. The Committee also commends the State party's recognition of the important role of the large number of NGOs working on women's issues.

276. The Committee notes with satisfaction the high level of women's educational achievement and the increase in the number of women in local government in some regions.

Principal areas of concern and recommendations

277. The Committee is concerned that there is still a lack of familiarity with the Convention and the opportunities for its application, including among the judiciary, law enforcement personnel and women themselves.

278. **The Committee recommends the introduction of education and training programmes on the Convention, in particular for judges, lawyers and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of legal remedies for violations of their rights under the Convention. The Committee invites the State party to provide, in its next report, information about complaints filed in courts based on the Convention, as well as any court decisions that refer to the Convention.**

279. The Committee is concerned at the apparent lack of understanding of discrimination against women as a multifaceted phenomenon that entails indirect and unintentional as well as direct and intentional discrimination. This understanding is a prerequisite for the effective elimination of both de jure and de facto discrimination against women.

280. **The Committee recommends that policies and efforts be directed at countering both direct and indirect discrimination against women.**

281. The Committee expresses concern that, although the Convention is incorporated in domestic law and the Constitution provides for the equality of all citizens, Ukrainian law does not contain a specific definition of discrimination against women and does not provide effective enforcement procedures or remedies. The Committee is concerned that it did not receive sufficient information regarding the content of the draft law on equal opportunities.

282. **The Committee recommends that the State party include in its legislation a definition of discrimination, enforcement procedures and remedies for violations of women's rights under the Convention. It also recommends the inclusion of a provision allowing the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention.**

283. The Committee expresses its concern that the national machinery for the advancement of women does not have sufficient power and visibility or financial and human resources to effectively promote the advancement of women and gender equality.

284. **The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate human and financial resources at all levels and enhancing coordination among the existing mechanisms for the advancement of women and the promotion of gender equality.**

285. While recognizing that the number of women elected to office in local government has increased in some regions, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, of which only 5 per cent are women, as high-ranking officials within the executive branch, where women occupy only 6 per cent of posts, and within the state administrations and civil and diplomatic service.

286. The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making. The Committee recommends that the State party strengthen its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making.

287. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the criminal law provision against trafficking in persons, the Committee notes with concern that the extent of this problem is not reflected in the information provided in the report. It notes with

concern that there is still not enough information on the subject or a comprehensive policy to address the problem.

288. **The Committee urges the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on progress made in this area. It recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, including within the territory of the State party, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers. It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support to victims of trafficking.**

289. The Committee expresses its concern about the status of women's health, especially their reproductive health. The Committee is concerned about the high number of abortions and the fact that the maternal and child mortality rates remain high. It is also concerned about the undernutrition of women, as well as iodine deficiency and other diseases among women. The Committee is concerned about the insufficiency of attention to tobacco addiction and alcoholism among women.

290. **The Committee draws attention to its general recommendation No. 24 on women and health and recommends comprehensive research into the specific health needs of women, including their reproductive health, the full implementation of a life-cycle approach to women's health, the financial and organizational strengthening of family planning programmes and the provision of wide access to contraceptives for all women and men. The Committee urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys in order to foster responsible sexual behaviour and further discourage abortion as a means of birth control. The Committee requests more information on the prevalence of, and measures taken against, alcoholism and tobacco consumption among women.**

291. While welcoming the measures taken to combat violence against women, including the adoption of the law on the prevention of domestic violence, the inclusion of the issue under the National Plan of Action, and the fact that marital rape can be prosecuted under the Criminal Code of Ukraine, the Committee is concerned about the prevalence of violence against women and girls, including domestic violence.

292. **The Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society. The Committee calls upon the State party to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that women victims of violence have immediate means of redress and protection. It recommends that measures be taken to provide shelters for**

women victims of violence and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to undertake awareness-raising measures, including a campaign of zero tolerance, to make such violence socially and morally unacceptable.

293. While noting with appreciation the high level of education among women, the Committee expresses its concern about the situation of women in the labour market, including the high rate of unemployment among women and the strong occupational segregation with a concomitant wage differential. The Committee is concerned that women are not able to receive adequate retraining to compete in the market. It is further concerned that the State party's protective labour laws restricting women's participation in night work and other areas, may create obstacles to women's participation in the labour market.

294. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that efforts be made to eliminate occupational segregation, including through education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to close the wage gap between these and male-dominated sectors. The Committee recommends that the State party conduct regular reviews of legislation in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers that women face in the labour market. It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.**

295. The Committee is concerned about the persistence of traditional stereotypes regarding the role of men and women in the family and in society at large.

296. **The Committee urges the State party to design and implement comprehensive programmes in the educational system and to encourage the mass media to promote cultural changes with regard to the roles and tasks attributed to women and men, as required by article 5 of the Convention. It recommends that policies be developed and programmes implemented to ensure the eradication of traditional sex role stereotypes in the family, in employment, in politics and in society.**

297. **The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

298. **The Committee also urges the State party to ratify the Optional Protocol to the Convention.**

299. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the**

International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

300. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.**

301. **The Committee requests the wide dissemination in Ukraine of the present concluding comments in order to make the people of Ukraine, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

5. Fourth and fifth periodic reports

Denmark

302. The Committee considered the fourth and the fifth periodic reports of Denmark (CEDAW/C/DEN/4 and CEDAW/C/DEN/5 and Add.1 and Corr.1) at its 561st and 562nd meetings, on 12 June 2002 (CEDAW/C/SR.561 and 562).

Introduction by the State party

303. In introducing the report, the representative of Denmark informed the Committee that non-governmental organizations had had the opportunity to comment on implementation of the Convention in Denmark. The Government had been implementing the actions identified in the Beijing Platform for Action, which had had a significant impact on Denmark's gender equality policy. Increasing emphasis had been placed on violence against women, trafficking in human beings, especially women and children, unemployment among women and sex segregation in the labour market, since the consideration of Denmark's last periodic report by the Committee.

304. A new law on gender equality had been introduced and there had been a change in the national machinery for the advancement of women since the submission, in 2000, of the fifth periodic report. The former Council for Gender Equality had been replaced by a new three-part structure comprising a Minister for Gender Equality, a Knowledge Centre for Gender Equality and a Gender Equality Board. The Knowledge Centre will be closed down in July 2002 as a State-funded

organization. It will continue as a private foundation connected to the University of Roskilde. The Gender Equality Act May 2000 stated that the work to promote gender equality in Denmark consists of a two-pronged strategy, gender mainstreaming and affirmative actions/specific priorities. The Minister for Gender Equality presents an annual Report and an Action Plan to the Parliament on the concrete specific priorities. A Steering Committee has, on behalf of the Minister, prepared a five-year action plan on gender mainstreaming.

305. Gender mainstreaming and the integration of women's rights were critical elements in Denmark's development assistance strategy, in which special attention was paid to women living in poverty; women's rights, including the right to own and inherit land; violence against women, including trafficking; the access of women and girls to health and education; and women's access to financial services, business development assistance and trade opportunities.

306. The representative described the goal of Denmark's gender equality policy as ensuring that women and men were equal partners and were given equal possibilities to choose how they want to live their lives. Women made up 44 per cent of the newly elected committees. The share of women in Parliament was 38 per cent. Labour market participation of women was high at 75 per cent, and women had, on average, 1.7 children, indicating that work could be combined with family life. Factors contributing to that were the existence of many public care facilities for the young, the elderly and other dependants and the fact that young men were increasingly taking on their share of family responsibilities. The Government had expanded parental leave schemes, increased parental grants for childcare in the home and guaranteed day care. Access to part-time work had also been expanded. Areas of concern included the pay gap between women and men and sex-segregation in the labour market. Only 41 per cent of women from ethnic minorities were active in the labour market, but the Government was making special efforts to address that issue.

307. The elimination of violence against women was a priority, and a three-year action plan with a special focus on women from ethnic minorities, women with disabilities and children had recently been presented by the Government. Efforts to eliminate trafficking in women and children had been intensified. To combat forced marriages, funds had been given to NGOs to ensure assistance to young people from ethnic minorities while the age for family reunification of spouses had, for all citizens, been raised from 18 to 24 years.

308. Another representative indicated that, in 2002, in Greenland, legislation focusing on equal treatment of women and men with respect to public services and employment had replaced older Danish and pre-Home Rule legislation. The Equal Status Council, which had been established in 1998, had provided input during the development of the new legislation and had commissioned a survey on gender equality in the household, workplace and other areas of public life. It had also appointed, as part of a pilot project, gender equality ambassadors to liaise between the Equal Status Council and the public in five municipalities. An action plan on gender and violence was also being produced under the auspices of the West Nordic Council, with the participation of Denmark, Greenland and the Faroe Islands. The Greenland Home Rule Government was sensitive to the importance of ensuring that family and working life were balanced, and legislation had been passed on maternity leave and pay for mothers and fathers in order to give both parents an opportunity to

spend time with their infant children. The representation of women in the Government and the municipalities was high at 67 per cent, and they dominated the health, education and social affairs sectors. Six of the 12 Deputy Ministers, and 19 per cent of members of Parliament were women. Education and capacity-building were regarded as crucial to ensuring equal opportunities in the labour market, and data showed that the majority of those commencing education or training programmes were women and that the dropout rate of women was lower than that of men.

309. Another representative indicated that there were very few legislative obstacles to women's enjoyment of equal rights under Faroese Law. In 1994, the Faroese Parliament had enacted the Act of Equality between Men and Women, which sought to ensure gender equality in the labour market, education, all public committees, councils and boards. In 2002, the Act on Maternity Leave providing fully paid maternity leave for 28 weeks had been passed. The Government was seeking to increase the period of maternity leave to 52 weeks. In the Faroe Islands, the number of women in Parliament was low, as was the representation of women in decision-making positions in the private sector. Where gender-based violence was concerned, a domestic violence crisis centre had been established by a non-governmental organization.

310. Each representative expressed commitment to the implementation of the Convention in all parts of Denmark, including Greenland and the Faroe Islands, and assured the Committee that there would be a national follow-up and debate on its concluding comments.

Concluding comments of the Committee

Introduction

311. The Committee expresses appreciation to the State party for its fourth and fifth periodic reports, which comply with the guidelines for the preparation of periodic reports. It commends the State party for its interaction with non-governmental organizations in the preparation of the reports and is pleased that the comments of non-governmental organizations on the implementation of the Convention were again included as annexes to the report. The Committee also expresses its appreciation for the information given in response to the issues raised by the pre-session working group and during the oral presentation.

312. The Committee expresses appreciation for the inclusion of representatives from the Faroe Islands and Greenland in the delegation.

Positive aspects

313. The Committee commends the State party for its efforts to strengthen the promotion of gender equality and women's rights in Denmark through a wide range of laws, policies and programmes within the context of the provisions of the Convention and the Beijing Platform for Action. It also commends the realization of de jure equality of women and men in many areas of the Convention, especially with regard to economic and social benefits and marriage and family life.

314. The Committee commends the State party for appointing a Minister for Gender Equality, thereby making gender equality policy a part of the Government's politics

and affording a greater potential to directly influence the political decision-making process, and for establishing the Gender Equality Board, comprising a judge and two lawyers with expertise in the areas of gender equality and labour market conditions, respectively, that handles complaints about gender-based discrimination in the labour market, the education, health, social and finance sectors, and in private enterprises.

315. The Committee commends the State party for its efforts to incorporate gender mainstreaming into its overall policy framework, including by formulating an action plan for 2002-2006 for the Danish inter-ministerial gender mainstreaming project with a steering committee comprised of representatives from all ministries, while at the same time implementing women-specific programmes to encourage gender equality.

316. The Committee welcomes the action plan to stop violence against women, which seeks to give victims the support they need, provide training for professionals and establish multidisciplinary cooperation, break the cycle of violence through corrective treatment of offenders and improve prevention through gathering data on the causes and scope of violence against women.

317. The Committee welcomes the State party's cooperation with the other Nordic and Baltic countries in two working groups under the Nordic Council of Ministers with regard to trafficking in women. The Committee commends the State party for signing the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air. The Committee notes that the Parliament has given its consent to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

318. The Committee also commends the State party for having accepted the amendment to article 20, paragraph 1, of the Convention and for having ratified the Optional Protocol to the Convention. The Committee also welcomes the fact that a number of recommendations in its concluding comments, adopted when Denmark last reported, have been implemented.

Principal areas of concern and recommendations

319. The Committee is concerned that the Convention has not been incorporated into domestic legislation. It notes that the Committee on Incorporation of Human Rights Conventions into Danish Legislation, appointed by the Minister of Justice in 1999 to examine the advantages and disadvantages of incorporating the general human rights treaties into Danish legislation, on completing its work in October 2001, recommended that the Convention, despite being considered central to the protection of human rights, should not be incorporated into Danish legislation. The Committee also notes that the Constitution does not contain a specific provision on discrimination against women.

320. **The Committee recommends that the State party take steps to incorporate the Convention into domestic law, when considering the recommendations of the Committee on incorporation of human rights conventions into Danish legislation. The Committee requests that the State party report on progress**

made in this regard in its next periodic report, including whether the Convention has been invoked before domestic courts.

321. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and European Union provisions, the Committee is concerned that the Convention has not been given central importance as a binding human rights instrument and basis for elimination of all forms of discrimination against women and the advancement of women.

322. **The Committee urges the State party to place emphasis on the Convention as a binding human rights instrument, and to view the Platform for Action as a complementary policy document to the Convention in its efforts to achieve the goals of equality. It furthermore urges the State party to take proactive measures to raise awareness about the Convention.**

323. The Committee is concerned at the closure of the Danish Board for Ethnic Equality, which had been established in June 1997, inter alia, to provide advice on the question of discrimination and ethnic equality for the Danish Parliament, the Government, the central and local administration and private organizations, and the Danish National Centre for Research and Information on Gender Equality, which had been established in May 2000 under the Act on Gender Equality. The Committee notes that some of the work of the former Centre will be done without State funding under different institutional arrangements.

324. **The Committee recommends that the State party reconsider its decision to close these two institutions and continue, in all circumstances, to earmark funds for their activities if those will be undertaken under other institutional arrangements, to enable them to continue their independent contribution to the achievement of gender equality in the State party.**

325. While noting the creation of an equal pay network for companies interested in exchanging experience on the reasons for the gender-based division of labour, the pay differential and methods of guaranteeing equal pay and that women's participation in the labour market is at an impressive 75 per cent and their unemployment rate is low at 5.6 per cent, the Committee is concerned at the persistence of the wage gap between women and men.

326. **The Committee urges the State party to develop policies and adopt proactive measures to accelerate the eradication of pay discrimination against women, including job evaluations, collection of data, further study of the underlying causes for the wage gap and provision of increased assistance for social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women in order to address the gender segregation in the labour market. The Committee requests the State party to provide more information in the next periodic report on its efforts to eradicate the wage gap.**

327. While commending the State party for having surpassed the critical 30 to 35 per cent threshold in terms of representation of women in decision-making in Parliament, the Committee expresses concern that women's representation remains low in executive and decision-making positions in municipalities and counties as well as in the private economic sector.

328. **The Committee urges the State party to take measures to increase the representation of women in decision-making positions in all sectors, including in the municipalities and counties as well as in the private economic sector. It recommends that the State party take steps to facilitate the options available to women in the private sector, inter alia, through the implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention, wherever possible. It also recommends that the State party improve the design of the temporary special measures in accordance with article 4, paragraph 1, of the Convention and monitor their application.**

329. Noting the high number of women in the lower ranks of the Foreign Service, the Committee nevertheless expresses concern about the low level of representation of women in the higher levels of the service, in particular in ambassadorial posts.

330. **The Committee recommends that the State party introduce special temporary measures in accordance with article 4, paragraph 1, of the Convention to increase the representation of women at higher levels in the Foreign Service, particularly as ambassadors.**

331. The Committee expresses concern that, despite the high achievement of women in tertiary education, there are distressingly few women professors in the universities. It also expresses concern at the apparent imbalance in the access of women academics, as compared with men academics, to research grants and other resources.

332. **The Committee urges the State party to adopt policies to ensure that women professors are not discriminated against with regard to access to professorships and senior positions, resources and research grants so as to increase the number of women in senior positions in universities.**

333. The Committee is concerned about persistence of stereotypical attitudes towards women, which threaten to undermine their rights and make them vulnerable to violence, including domestic violence.

334. **The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. It also calls upon the State party to undertake an assessment of the impact of its measures in order to identify shortcomings and to adjust and improve these measures accordingly.**

335. Noting that reliable statistical material will become available later in 2002, the Committee regrets the very limited available data and information with regard to the scope of violence against women, including domestic violence.

336. **The Committee urges the State party to include in the statistical material, sex-disaggregated data and information on the nature and scope of violence against women, including within the family and any new forms of abuse, and to include this information in its next periodic report. The Committee also urges the State party to continue its efforts to implement and strengthen policies and programmes aimed at combating violence, with special attention given to migrant and minority women.**

337. The Committee is concerned that Danish residents who arrange for female genital mutilation abroad are not liable to prosecution in Denmark unless female genital mutilation is a crime in the country in which it is performed.

338. **The Committee urges the State party to penalize all Danish residents who arrange for female genital mutilation regardless of where it is performed in order to eliminate this harmful traditional practice.**

339. While noting that the State party places priority on efforts to address the issue of trafficking in women through, inter alia, seminars, analysis and cooperation with the other Nordic and Baltic countries, the Committee expresses concern that despite these efforts trafficking in women and girls continues to exist.

340. **The Committee requests that the State party report on any developments in this regard in its next periodic report, including whether there have been any prosecutions for trafficking in women and girls. The Committee also encourages action in Denmark and, through the State party, continued efforts within the European Union to combat trafficking in women, including measures to prevent trafficking, the collection of data, the provision of services for trafficked women and measures to penalize those who facilitate such trafficking.**

341. The Committee is concerned that the Aliens Act, which although gender-neutral, indirectly discriminates against women.

342. **The Committee recommends that the State party review the Aliens Act and revoke those provisions that are incompatible with the provisions of the Convention, particularly article 2, which prohibits direct and indirect discrimination.**

343. The Committee expresses concern about the situation of migrant, refugee and minority women in Denmark, including discrimination in education and employment and at the gender-based discrimination and violence that they experience.

344. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women. It encourages the State party to be proactive in its measures to prevent discrimination against migrant, refugee and minority women, both within their communities and in society at large, to combat violence against them, and increase their awareness of the availability of social services and legal remedies.**

345. The Committee regrets the introduction in new legislation of an increase in the age limit for spousal reunification from 18 years to 24 years of age in order to combat forced marriage.

346. **The Committee urges the State party to consider revoking the increase in the age limit for family reunification with spouses, and to explore other ways of combating forced marriages.**

347. The Committee is concerned that the situation of foreign married women with temporary residence permits who experience domestic violence will worsen when the amendment to the Aliens Act enters into force on 1 July 2002, which will increase the required number of years of residence from three to seven before a permanent residence permit may be obtained. The Committee is also concerned that

these women's fear of expulsion will be a deterrent to their seeking assistance or taking steps to seek separation or divorce.

348. **The Committee recommends that revocation of temporary residence permits of foreign married women who experience domestic violence, and legislative changes on residency requirements should not be undertaken without a full assessment of the impact of such measures on these women.**

349. The Committee is concerned that, under the amended Aliens Act, some women who do not have refugee status might be forcibly repatriated to where they had been subjected to rape and/or other atrocities and may face the threat of further persecution.

350. **The Committee urges the State party to refrain from forcibly repatriating such women and to ensure that repatriation in these circumstances is voluntary.**

351. While welcoming written material provided by the delegation during constructive dialogue, the Committee regrets that information in the report about the situation of women in the Faroe Islands and Greenland was very limited.

352. **The Committee urges the State party to include detailed information on the implementation of all aspects of the Convention in the Faroe Islands and Greenland in the next periodic report.**

353. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also requests that future reports not make reference to previous reports but briefly summarize previously stated information.**

354. **Taking account of the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

355. **The Committee requests the wide dissemination in Denmark of the present concluding comments in order to make the people of Denmark, in particular administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century".**

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

356. Article 12 of the Optional Protocol to the Convention provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

357. The Working Group on the Optional Protocol established by the Committee at its twenty-fourth session met from 4 to 8 February 2002 and considered cooperation between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights with respect to communications; procedures established by the Division for the Advancement of Women relating to communications; and methods of work of the Working Group. The Working Group analysed decisions of other United Nations human rights treaty bodies on communications, as well as several cases decided by regional human rights courts. The Chairperson of the Working Group provided the Committee with the report of the Working Group (CEDAW/C/2002/II/CRP.4).

Action taken by the Committee on the report of the Working Group on the Optional Protocol

Cooperation between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights

358. The Committee recommended that any guidelines on the routing of correspondence between and among the various human rights procedures of the United Nations be developed in collaboration with the Division for the Advancement of Women. It recommended the development of systematic cooperation between the Division and the petitions team of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the nomination of a focal point for the Committee on the Elimination of Discrimination against Women in the Support Services Branch of OHCHR who would analyse summaries of communications prepared by the Branch from a gender perspective and whose views on such summaries would be entered into the communications database and brought to the attention of the relevant treaty body.

Processing of communications

359. The Committee recommended that the Division for the Advancement of Women provide the Working Group with a regular report on the nature and number of potential communications received, including manifestly ill-founded claims, and those which are not being pursued. The report should also contain information on the number of potential communications received directly by the Division or routed to it which are being summarized with a view to registration, and on the number of potential communications received by the Division but routed to other procedures, such as those serviced by OHCHR.

360. The Committee decided that, where sufficient prima facie information is received to establish a communication, the Division for the Advancement of Women

should provide the Working Group with a summary. The Working Group would then decide whether the case should be registered.

Outreach and research

361. The Committee recommended that the Division for the Advancement of Women intensify its outreach activities with respect to the Convention and the Optional Protocol. It also recommended that the Division prepare background papers for the Committee on several provisions in the Optional Protocol: "same matter" and "under another procedure of international investigation or settlement" (Optional Protocol, article 4 (2) (a)); "the facts that are the subject of the communication occurred prior to the entry into force of the present Protocol (Optional Protocol, article 4 (2) (e)). The Committee also recommended the preparation of background papers on the accountability of States parties for the conduct of non-State actors; remedies recommended by human rights treaties and implementation of views by States parties (Optional Protocol, articles 7 (3), (4) and (5)).

Dates of the meeting of the Working Group on the Optional Protocol

362. The Committee decided that the Working Group on the Optional Protocol would meet from 5 to 9 February 2003. It also recommended that, whenever possible, the Working Group should meet in the week prior to the regular session of the Committee in order for the Working Group to provide the Committee with the results of its work in a timely manner and to preclude any delay in the consideration of communications.

Chapter VI

Ways and means of expediting the work of the Committee

363. The Committee considered agenda item 6, ways and means of expediting the work of the Committee at its 550th and 567th meetings, on 3 and 21 June 2002 (see CEDAW/C/SR.550 and SR.567).

364. In introducing the item, the Chief of the Women's Rights Unit of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat drew attention to the report of the Secretariat (CEDAW/C/2002/II/4).

Action taken by the Committee under agenda item 6

Members of the pre-session working group for the twenty-ninth session

365. The Committee decided that the members of the pre-session working group for the twenty-ninth session and their alternates should be:

Members

Christine Kapalata (Africa)
Sjiamsiah Achmad (Asia)
Goran Melander (Europe)
Yolanda Ferrer Gomez (Latin America and the Caribbean)

Alternates

Fatima Kwaku (Africa)
Heisoo Shin (Asia)
Regina Tavares da Silva (Europe)
Aida Gonzalez Martinez (Latin America and the Caribbean)

Dates of the twenty-eighth session and the pre-session working group for the twenty-ninth session

366. In conformity with the approved calendar of conferences and meetings for 2003, the twenty-eighth session of the Committee will be held from 13 to 31 January 2003. The pre-session working group for the twenty-ninth session will be held from 3 to 7 February 2003.

Reports to be considered at future sessions of the Committee

367. The Committee decided to consider the following reports at its twenty-eighth and twenty-ninth sessions.

(a) *Twenty-eighth session*

(i) Combined initial and second periodic report

Switzerland

(ii) Combined initial, second and third periodic report

Costa Rica

(iii) Combined initial, second, third, fourth and fifth periodic report

Congo

(iv) Combined third and fourth periodic report

Kenya

(v) Fourth periodic report

Luxembourg

(vi) Combined third and fourth, and fifth periodic reports

El Salvador

(vii) Fifth periodic report

Canada

(viii) Fifth and sixth periodic reports

Norway

(b) *Twenty-ninth session*

(i) Combined initial and second periodic report

Albania

(ii) Second and third periodic reports

Morocco
Slovenia

(iii) Combined third and fourth periodic report

France

(iv) Fourth and fifth periodic reports

Japan

(v) Combined fourth and fifth periodic reports

Ecuador

Overdue reports

368. The Committee decided, as part of a strategy to encourage States parties to report in accordance with article 18 of the Convention, to request the secretariat to provide it with a profile of non-reporting States parties, including their reporting history with respect to all treaty bodies. The Committee would identify priority non-reporting States parties, for example, long-term non-reporting States parties, followed by short-term non-reporting States parties, and analyse the reasons for non-reporting, for example, lack of resources, capacity or political will.

369. The Committee recommended the following incremental measures to encourage reporting by States parties:

(a) Non-reporting States parties would receive reporting reminders on a systematic basis. Notes verbales drawing attention to the Committee's decision 23/II

(consolidation of reporting obligations) and the availability of technical assistance would be directed at States parties whose reports were five years or more overdue;

(b) High-level United Nations officials would be requested to encourage reporting;

(c) Non-reporting would be included as an item on the agenda of the meeting of chairpersons of human rights treaty bodies with a view to the adoption of a coordinated approach to the issue;

(d) Committee members, the bureau and Chairperson of the Committee would be encouraged to meet informally with non-reporting States parties, including on a regional basis;

(e) The Committee would convene a closed meeting with representatives of individual non-reporting States parties to discuss challenges to timely reporting;

(f) The Division for the Advancement of Women, other United Nations entities or bodies, including at the field level, other international organizations or non-governmental organizations would be encouraged to provide technical assistance for States parties at their request;

(g) All human rights treaty bodies would be encouraged to discuss fulfilment of reporting obligations under other human rights treaties in constructive dialogue for States parties;

(h) Fulfilment of reporting obligations under article 18 should be included in the agenda of the twelfth meeting of States parties to the Convention, to be held in August 2002.

Consideration of reports by the Committee and constructive dialogue with States parties

370. The Committee decided that, in cases where a member of the Committee is a national of a State party which is presenting its report, the Committee's decision 18/III on the non-participation of that member in any part of the consideration of the State party's report would be explained by the Chairperson at the beginning of the meeting at which that report would be considered and the contribution of that member to the work of the Committee acknowledged.

371. The Committee decided that, in the consideration of periodic reports, questions by experts would be clustered in accordance with the four substantive parts of the Convention. After experts had posed questions on each cluster, the State party would be given an opportunity to respond. Experts would seek to focus on issues identified by the pre-session working group, and would avoid intervening under each cluster.

372. The Committee decided that presentation of initial reports would be limited to a maximum of 45 minutes, presentation of periodic reports would be limited to a maximum of 30 minutes, and such periods would be reflected in the Committee's programme of work and the *Journal of the United Nations*. The closed meeting of the Committee to discuss the contents of the concluding comments would be scheduled for a minimum period of 30 minutes, which would be reflected in the Committee's programme of work in the *Journal*. The Committee decided that interventions by experts would be limited to five minutes. The time limit would be enforced flexibly but monitored by a speech timer.

Pre-session working group

373. The Committee decided that, as far as possible, country rapporteurs for States parties presenting periodic reports should be included in the pre-session working group convened to draw up the list of issues and questions with regard to those States parties. In cases where the country rapporteur is not included in the relevant pre-session working group, she or he would be encouraged to submit a list of issues and questions to the group.

Concluding comments of the Committee

374. The Committee decided that its concluding comments would include a section on "factors and difficulties" affecting the implementation of the Convention only in the most exceptional circumstances. The persistence of stereotypical attitudes relating to the roles of women and men would not be categorized as a "factor or difficulty."

375. The Committee decided that a standard paragraph requesting information on the implementation of aspects of outcomes of United Nations conferences, summits and special sessions of review should be included in its concluding comments on reports of States parties, as follows:

> "Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report."

Chapter VII
Implementation of article 21 of the Convention

376. The Committee considered agenda item 5, on the implementation of article 21 of the Convention, at its 550th and 567th meetings, on 3 and 21 June 2002 (see CEDAW/C/SR.550 and SR.567).

377. In introducing the item, the Chief of the Women's Rights Unit drew attention to a note by the Secretary-General on reports provided by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities (CEDAW/C/2002/II/3 and Add. 1-4).

Action taken by the Committee under agenda item 5

Future general recommendations of the Committee

378. The Committee agreed to formulate a general recommendation, based on its statement to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.[7]

379. The Committee agreed to formulate a general recommendation on the right of older women to non-discrimination under the Convention, drawing on reports of States parties, its statement to the Second World Assembly on Ageing (A/57/38 (Part I), paras. 430-436), and the Madrid Plan of Action adopted by that Assembly.

380. The Committee requested the secretariat to provide a report on its current schedule for general recommendations for its twenty-eighth session in January 2003.

Statement of support for a Decade against Trafficking

381. The Committee on the Elimination of Discrimination against Women welcomes the integration of a gender perspective in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001. It welcomes the fact that the World Conference drew attention to the special impact of racism, racial discrimination, xenophobia and related intolerance on women and girls and to the existence of multiple discrimination against women and girls, in all areas of life, including as victims of trafficking.

382. The Committee welcomes and supports the recommendation of the Durban Programme of Action for the inauguration of a United Nations decade against trafficking in persons, especially women, youth and children.

383. The Committee wishes to draw attention to the wide and increasing dimensions of trafficking in women, which constitutes a major part of contemporary trade in persons and is a form of slavery and a violation of article 6 of the Convention.

384. The Committee is convinced that the deliberations, conferences, publications and other activities that would be undertaken by the United Nations and its agencies in the promotion of a decade against trafficking of persons, especially women, youth and children, would make a major contribution to the attempts to eradicate the human suffering caused by trafficking and would address the marginalization, discrimination and exploitation of so many women around the world, particularly from poor countries, who are victims of trafficking.

Chapter VIII

Provisional agenda for the exceptional session and the twenty-eighth session

385. The Committee considered the draft provisional agenda for its exceptional session and twenty-eighth session at its 567th meeting (see CEDAW/C/SR.567). The Committee decided to approve the following provisional agendas for the sessions:

Exceptional session

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the twenty-seventh and exceptional sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 22 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Adoption of the report of the Committee on its exceptional session.

Twenty-eighth session

1. Opening of the session.
2. Solemn declaration by the new members of the Committee.
3. Election of officers.
4. Adoption of the agenda and organization of work.
5. Report of the Chairperson on activities undertaken between the exceptional and twenty-eighth sessions of the Committee.
6. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
8. Ways and means of expediting the work of the Committee.
9. Provisional agenda for the twenty-ninth session.
10. Adoption of the report of the Committee on its twenty-eighth session.

Chapter IX
Adoption of the report

386. The Committee considered the draft report on its twenty-seventh session (CEDAW/C/2002/I/L.1 and CEDAW/C/2002/II/CRP.3 and Add. 1-6) at its 567th meeting (see CEDAW/SR.567) and adopted it, as orally revised during the discussion.

Notes

[1] See General Assembly resolution 48/104 of 20 December 1993.

[2] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), Part I, paras. 373-385.

Annex

Revised reporting guidelines

A. Introduction

A.1. These guidelines replace all earlier reporting guidelines issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/7/Rev.3), which may now be disregarded. The present guidelines do not affect the Committee's procedure in relation to any exceptional reports which may be requested which are governed by the Rule 48.5 of the Committee's Rules of Procedure and its Decision 21/I on exceptional reports.

A.2. These guidelines will be effective for all reports to be submitted after 31 December 2002.

A.3. The guidelines should be followed by States parties in the preparation of initial and all subsequent periodic reports.

A.4. Compliance with these guidelines will reduce the need for the Committee to request further information when it proceeds to consider a report; it will also help the Committee to consider the situation regarding human rights in every State party on an equal basis.

B. Framework of the Convention concerning reports

B.1. Every State party, upon ratifying or acceding to the Convention, undertakes, under article 18, to submit, within a year of the Convention's entry into force for that State, an initial report on the legislative, judicial, administrative or other measures it has adopted to give effect to the provisions of the Convention and progress made in this respect, and thereafter periodic reports at least every four years and further whenever the Committee so requests.

C. General guidance for contents of all reports

C.1. *The articles and the Committee's general recommendations.* The terms of the articles in Parts I, II, III and IV of the Convention must, together with general recommendations adopted by the Committee on any such article, or on a theme addressed by the Convention, be taken into account in preparing the report.

C.2. *Reservations and declarations.* Any reservation to or declaration as to any article of the Convention by the State party should be explained and its continued maintenance justified. Taking account of the Committee's statement on reservations adopted at its nineteenth session (see A/53/38/Rev.1, part two, chap. I, sect. A), the precise effect of any reservation or declaration in terms of national law and policy should be explained. States parties that have entered general reservations which do not refer to a specific article, or which are directed at articles 2 and/or 3 should report on the effect and the interpretation of those reservations. States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

C.3. *Factors and difficulties.* Article 18.2 of the Convention provides that factors and difficulties affecting the degree of fulfilment of obligations under the Convention may be indicated. A report should explain the nature and extent of, and reasons for every such factor and difficulty, if any such exist; and should give details of the steps being taken to overcome them.

C.4. *Data and statistics.* A report should include sufficient data and statistics disaggregated by sex relevant to each article and the general recommendations of the Committee to enable it to assess progress in the implementation of the Convention.

C.5. *Core document.* Where the State party has already prepared a core document, this will be available to the Committee. It should be updated as necessary in the report, particularly as regards "General legal framework" and "Information and publicity" (HRI/CORE/1, annex).

D. The initial report

D.1. General

D.1.1. This report is the State party's first opportunity to present to the Committee the extent to which its laws and practices comply with the Convention which it has ratified. The report should:

(a) Establish the constitutional, legal and administrative framework for the implementation of the Convention;

(b) Explain the legal and practical measures adopted to give effect to the provisions of the Convention;

(c) Demonstrate the progress made in ensuring enjoyment of the provisions of the Convention by the people within the State party and subject to its jurisdiction.

D.2. Contents of the report

D.2.1. A State party should deal specifically with every article in Parts I, II, III and IV of the Convention; legal norms should be described, but that is not sufficient: the factual situation and the practical availability, effect and implementation of remedies for violation of provisions of the Convention should be explained and exemplified.

D.2.2. The report should explain:

(1) Whether the Convention is directly applicable in domestic law on ratification, or has been incorporated into the national Constitution or domestic law so as to be directly applicable;

(2) Whether the provisions of the Convention are guaranteed in a Constitution or other laws and to what extent; or if not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities;

(3) How article 2 of the Convention is applied, setting out the principal legal measures which the State party has taken to give effect to Convention rights; and the range of remedies available to persons whose rights may have been violated.

D.2.3. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the implementation of the provisions of the Convention.

D.2.4. The report should include information about any national or official institution or machinery which exercises responsibility in implementing the provisions of the Convention or in responding to complaints of violations of those provisions, and give examples of their activities in this respect.

D.2.5. The report should outline any restrictions or limitations, even of a temporary nature, imposed by law, practice or tradition, or in any other manner on the enjoyment of each provision of the Convention.

D.2.6. The report should describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

D.3. Annexes to the report

D.3.1. The report should contain sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to Convention rights.

D.3.2. The reports should be accompanied by these texts, which will not be translated or copied, but will be made available to the Committee.

E. Subsequent periodic reports

E.1. In general, the subsequent periodic reports of States parties should focus on the period between the consideration of their previous report and the presentation of the current reports. There should be two starting points for such reports:

(a) The concluding comments (particularly "Concerns" and "Recommendations") on the previous report;

(b) An examination by the State party of the progress made towards and the current implementation of the Convention within its territory or jurisdiction and the enjoyment of its provisions by those within its territory or jurisdiction.

E.2. Periodic reports should be structured so as to follow the articles of the Convention. If there is nothing new to report under any article, it should be so stated. Periodic reports should also highlight any remaining obstacle to the participation of women on an equal basis with men in the political, social, economic and cultural life of the State party.

E.3. The State party should refer again to the guidance on initial reports and on annexes, insofar as these may also apply to periodic reports.

E.4. There may be circumstances where the following matters should be addressed:

(a) A fundamental change may have occurred in the State party's political and legal approach affecting Convention implementation: in such a case a full article-by-article report may be required;

(b) New legal or administrative measures may have been introduced which require the annexure of texts, and judicial or other decisions.

F. Optional protocol

F.1. If the State party has ratified or acceded to the Optional Protocol and the Committee has issued Views entailing provision of a remedy or expressing any other concern, relating to a communication received under that Protocol, a report should include information about the steps taken to provide a remedy, or meet such a concern, and to ensure that any circumstance giving rise to the communication does not recur.

F.2. If the State party has ratified or acceded to the Optional Protocol and the Committee has conducted an inquiry under article 8 of the Optional Protocol, a report should include details of any measures taken in response to an inquiry, and to ensure that the violations giving rise to the inquiry do not recur.

G. Measures to implement outcomes of United Nations conferences, summits and reviews

G.1. In the light of paragraph 323 of the Beijing Platform for Action, adopted at the Fourth World Conference on Women, in September 1995, initial and subsequent reports of States parties should contain information on the implementation of the actions to be taken in regard to the 12 critical areas of concern identified in the Platform. Reports should also contain information on the implementation of the Further actions and initiatives to implement the Beijing Declaration and Platform for Action agreed by the twenty-third special session of the General Assembly, "Women 2000: gender equality, development and peace for the twenty-first session" in June 2000.

G.2. Taking into account the gender dimensions of declarations, platforms and programmes of action adopted by relevant United Nations conferences, summits and special sessions of the General Assembly (such as the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), reports should include information on the implementation of specific aspects of these documents which relate to specific articles of the Convention in the light of the subjects with which they deal (for example, migrant women or older women).

H. The Committee's consideration of reports

H.1. General

H.1.1. The Committee intends its consideration of a report to take the form of a constructive discussion with the delegation, the aim of which is to improve the situation pertaining to Convention rights in the State.

H.2. List of issues and questions with respect to periodic reports

H.2.1. On the basis of all information at its disposal, the Committee will supply in advance a list of issues or questions which will form the basic agenda for consideration of periodic reports. Written answers to the list of issues of questions will be required from the State party several months in advance of the session at which the report will be considered. The delegation should come prepared to address the list of issues and to respond to further questions from members, with such updated information as may be necessary; and to do so within the time allocated for consideration of the report.

H.3. The State party's delegation

H.3.1. The Committee wishes to ensure that it is able effectively to perform its functions under article 18 and that the reporting State party should obtain the maximum benefit from the reporting requirement. The State party's delegation should therefore include persons who, through their knowledge of and competence to explain the human rights situation in that State, are able to respond to the Committee's written and oral questions and comments concerning the whole range of the Convention's provisions.

H.4. Concluding comments

H.4.1. Shortly after the consideration of the report, the Committee will publish its concluding comments on the report and the constructive dialogue with the

delegation. These concluding comments will be included in the Committee's annual report to the General Assembly; the Committee expects the State party to disseminate these conclusions, in all appropriate languages, with a view to public information and discussion.

H.5. Extra information

H.5.1. In the course of its consideration of a report, the Committee may request, or the delegation may offer, further information; the secretariat will keep a note of such matters, which should be dealt with in the subsequent report.

I. Format of the report

I.1. Reports should be submitted in one of the six official languages of the United Nations (Arabic, Chinese, English, French, Spanish or Russian). They should be submitted in hard and electronic form.

I.2. Reports should be as concise as possible. Initial reports should be no more than 100 pages; periodic reports should be no more than 70 pages.

I.3. Paragraphs should be sequentially numbered.

I.4. The document should be on A4-sized paper; and presented in single-spaced format.

I.5. The document should be printed on one side of each sheet of paper so as to allow for reproduction by photo-offset.